# BIENNIAL REPORT

OF THE

# ATTORNEY GENERAL

OF

# ALABAMA

TO

# THE GOVERNOR

1906

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MASSEY WILSON,

ATTORNEY GENERAL.

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THE STATE OF ALABAMA.

OFFICE OF ATTORNEY GENERAL.

Montgomery, Ala., October, 1906.

HON. WM. D. JELKS,

Governor of Alabama,

Capitol.

DEAR SIR:

I herewith submit the biennial reports of the Attorney General for the two years ending September 30th, 1904, and the two yeras ending September 30th, 1906. The reports contain:

First. A general statement showing the number and character of criminal cases disposed of in the entire State for each period of two years as consolidatd from reports of Solicitors, the numbr of convictions, acquittals, *nolle prosequies* and abatements; the number of sentences to death, penitentiary, hard labor for the county, to jail and the number of fines imposed and secured and the number committed to the State Reformatory.

Second. A general statement showing the number and character of criminal cases disposed of in each judicial circuit, and in each city or criminal court or other court havivng a separate solicitor as in the general statement so as to show the work of each solicitor separately.

From the general statement it will be seen that 11,574 criminal cases were disposed of in the entire State during the two years ending September 30th, 1904, and 13,616 during the two years ending September 30th, 1906. Of this number during the first two years there were 6854 convictions; 1744 acquittals; 2530 *nolle prosequies* and 446 cases were abated or withdrawn, and during the last two years mentioned there were 7,954 convictions;

1,961 acquittals; 2,828 *nolle prosequies;* and 873 cases were abated or withdrawn.

Of the 6,854 convictions during the two years ending September 30th, 1904, there were 42 sentences to death; 1,314 to the penitentiary; 1,623 to hard labor for the County; 158 to jail and 3,727 fines imposed or secured. There were three comjmittals to the insane hospital and one to the State Reformatory.

During the two years ending September 30th, 1906, of the 7,954 convictions there were 36 sentences to death; 1,315 to the penitentiary; 1,403 to hard labor; 1,340 to jail; and 564 fines paid or secured.

An examination of the preceding reports submitted from this office shows that during the two years ending September 30th, 1906, a larger number of criminal cases were disposed of than at any time since the system of reporting to the Attorney General was begun. The nearest approach to the figures mentioned appears from the report submitted for the two years ending Sept. 30th, 1902, by my predecessor, Hon. Chas. G. Brown. That report shows 13, 388 cases disposed of during that period of time.

During the two years ending September 30th, 1904, there were 338 cases of homicide disposed of in the State; of this number there were 146 convictions for murder in the first degree; 101 for murder in the second degree; 65 for manslaughter in the first degree; and 32 for manslaughter in the second degree.

During the two years ending September 30th, 1906, it appears that there were 669 cases of homicide disposed of in the State; of this number there were 184 convictions for murder in the first degree; 114 for murder in the second degree; 127 for manslaughter in the first degree and 47 for manslaughter in the second degree.

The number of cases of homicide disposed of during the two years ending September 30th, 1906, is almost double the number disposed of during the preceding two years. I am unable to account for this astounding increase. Certainly a problem is presented which calls for the most thoughtful consideration of the people of this State, and more especially of the executive officers.

Regard and respect for the law comes not so much from the severity, as from the certainty of punishment. Defendants in more than fifty-six hundred cases during the last two years were either not tried or were acquitted. It hardly seems reasonable that so large a number of prosecutions could be instituted without testimony to convict.

In a very interesting discussion of this question by Judge Thomas of the City Court of Montgomery, before the International Congress of Arts and Sciences, St. Louis, Mo., September, 1904, he reached the following conclusions, with which I am inclined to agree:

"First. Variations in the enforcement of law are not so much due to climate, race, density of population, illiteracy, form of government, length of governmental experience, as to a *varying leniency in the spirit of its administration.*

"Second. This varying toleration of crime is largely the result of an *impatient desire for individual power, born of unlimited opportunity,* causing men to disregard their duties to the social compact.

"Third. Beneath it all *is a moral unrest,* a process of adjustment in individual conception of, and cravings for, absolute truth, not yet so crystallized in the aggregate of individual souls as to become the fixed ideals of the people."

During the two years ending September 30th, 1904, the offense of concealed weapons appears to have been predominant ,there being 1,093 cases disposed of; of this number there were 685 convictions. During the same time there were 603 cases of assault and battery with weapons disposed of and 414 convictions. During the two years ending September 30th, 1906, the offense of assault and battery with weapon appears to have been predominant. There were 1,197 cases disposed of and 780 convictions. During the same time there were 1,138 offenses of concealed weapons disposed of and 698 convictions. The offense of assault and battery with weapon belongs to the same class with the offense of carrying a concealed weapon with the additional element of assault and battery. Both offenses seem to increase from year to year, and I am inclined to think that inadequate

punishment is meted out to such offenders. The statutes (Code sections 4344 and 4420) provide for those offenses punishments which, if imposed, would go far toward lessening if not curing the evil. After the jury has found a defendant guilty of assault and battery with a weapon or carrying a concealed weapon, the court may impose additional punishment of hard labor for not more than twelve months in the former case and for not more than six months in the latter. Of the 1,578 convictions of these offenses during the two years last past there were 376 sentences to hard labor,—about twenty-four per cent. From my experience in prosecuting criminal cases in the upreme Court I feel safe in saying that at least one-half of all homicides are caused by one party or the other having a concealed weapon. For this reason, solicitor should give this and kindred offenses their untiring efforts.

The crimes of burglary, robbery and larceny in both degrees during the two years first mentioned foot up 2,060 cases with 1,442 convictions; 757 sentences to the penitentiary, and 406 to hard labor; and 158 to jail. During the two years last past the same crimes foot up 2,067 cases disposed of with 1,420 convictions; 616 sentences to the penitentiary; 403 to hard labor; and 298, jail and fine punishments imposed. As will be observed there is a slight increase over the preceding two years throughout the State.

From a consideration of the figures shown in the general statement it appears that the principal increase is in the offense of abusive language; gaming; violating prohibition laws; assault and battery; assault and battery with weapon and homicide.

The percentage of convictions in case disposed of during the two years throughout the State, ending September 30th, 1904, was 59, and in the several Circuits the percentage of convictions ranged from 32 to 79. During the two years last past the percentage of convictions in cases disposed of throughout the State was 58 and in the several Circuits the percentage ranged from 36 to 87.

My report for the two years ending September 30th, 1904, was delayed for several reasons. I did not succeed in getting complete reports from the several solicitors for

many months after the same were due. Much confusion arose after the adjournment of the Legislature of 1903 incident to the changes in the times and places of holding Circuit Court. When the Lusk Bill and other statutes passed by that Legislature were held unconstitutional by the Supreme Court much of the work of the courts theretofore completed was of necessity to be gone over. Before the questions as to the constitutionality of these acts were settled by the Supreme Court many of the courts had practically suspended the trial of cases. These conditions made it very difficult for me to obtain from the Solicitors the reports of cases disposed of by them. When the data was received and the report compiled I thought it best to hold the same up and combine that report with a report for the two years last past.

## SUGGESTIONS.

In obedience to the statute which requires the Attorney General to make suggestions touching changes in the criminal law, I beg to submit the following:

That an act be passed providing that in appeals to the Supreme Court in criminal cases the court shall not reverse the judgmnt for the refusal of a special or written charge asked by the appellant and refused by the court, if the proposition embodied in such charge is substantially covered by a charge given at the request of the appellant or by the general oral charge of the court, and no case shall be reversed by the Supreme Court unless it affirmatively appears from the record that the trial court failed or refused to charge the jury either in the general charge or in a special charge given at the request of the appellant upon the proposition embodied in such refused charge.

Such statute would, in my judgment, result in a great saving to the State and would largely reduce the number of reversals.

An examination of the criminal cases decided by the Supreme Court during the last four years shows that of 197 reversals, thirty per cent. were on account of erroneous rulings of the lower court on the evidence; fifteen

per cent. on account of the refusal of special charges requested by the defendant, and about twenty per cent. more on account of rulings on pleading and practice. The last clause of § 4333 of the Code, "But the judgment of conviction must not be reversed because of error in the record, when the court is satisfied that no injury resulted therefrom to the defendant," is applied by the Supreme Court with such strictness that it is of small value. The admission of a scintilla of irrelevant evidence or the refusal of the court to give every special charge requested by the defendant and asserting a correct legal proposition although covered by the general charge, or the failure of the prosecution to stipulate in a special charge the degree of proof required in criminal cases, although the court has already charged the doctrine of reasonable doubt in all its phases, is upon appeal to the Supreme Court, fatal to the conviction and setence. Under the rule which now fetters that tribunal the case must be reversed and remanded for another trial. Such a rule, ought, in my judgment, to be abolished; it has no rightful place in a system of jurisprudence designed for the punishment and suppression of crime.

Mr. John H. Wigmore, Dean of the Northwestern University and author of Wigmore on Evidence, discusses the question at length in section 21 of Volume I of his work. He shows that under the original and orthodox English rule "An erroneous admission or rejection of a piece of evidence was not a sufficient ground for setting aside the verdict and ordering a new trial unless, upon all the evidence. it appeared to the judges that the truth had thereby not been reached." And this rule lasted down to the decade of 1830, when the "Court of Exchequer announced a rule which in spirit and in later interpretation signified that an error of ruling created *per se* for the excepting and defeated party a right to a new trial. The new exchequer rule was speedily accepted in the other courts; and for something more than a generation it remained the law of England and until it was reformed away, for civil causes, in 1875."

The writer then states that this rule duly obtained recognition in the United States in a majority of purisdic-

tions, and during the last generation "the Exchequer heresy has clearly gained the ascendance." The rule was entirely abolished in England prior to 1883 and the original orthodox rule restored.

Mr. Wigmore suggests that the rule should be as fallows: Where there is sufficient evidence to sustain the verdict independently of the evidence objected to and erroneously admitted or excluded, or where the same verdict should have been rendered with the evidence objected to and erroneously excluded or admitted, the erroneous admission or exclusion of such evidence will not be ground for a new trial or a reversal of judgment.

Section 5087 of the Code should be amended so as to read as follows:

"Any person who, within the limits of any district in which the sale of spirituous, vinous or malt liquors is prohibited by law, solicits or receives any order for spirituous, vinous or malt liquors in any quantity, to be shipped or sent into such district, *or who shall act as agent or assistant of either the seller or purchaser in effecting the sale of any such liquors to be shipped or sent into such district* must, on conviction, be fined not less than twenty dollars nor more than one hundred dollars; and if such order be in writing parol evidence thereof is admissible."

(The new matter being in italic).

In Moog v. State, 41 So. 166, our Supreme Court held that the present statute did not apply to a non-resident taking an order in this State to be filled by a non-resident and shipped into the State, and that such transaction was protected from State Legislation by the commerce clause of the Federal Constitution. Such a statute with the proposed amendment, is in force in the State of Mississippi, and has been held to apply to a non-resident acting as an agent of the seller or purchaser, (Hart v. State, 39 So. 523). Whether our court would take the same view I cannot say, but I suggest that the act be so amended.

To meet the line of decisions followed in Maxwell v. State, 140 Ala. 131, I suggest the following act: Any person who aids or abets or who counsels or procures an

unlawful sale of spirituous, vinous or malt liquors or other liquors prohibited by law from being sold, given away or otherwise disposed of; or any person who shall act as agent, or assisting friend, of the seller or purchaser in procuring or effecting the sale of any such liquors, must on conviction be fined not more than five hundred dollars and may also be imprisoned in the County jail or sentenced to hard labor for the county for not more than six months. And a conviction may be had under this act under an indictment for retailing spirituous, vinous or malt liquors without a license and contrary to law.

Acting under Sections 173 and 174 of the Constitution I instituted impeachment proceedings in the Supreme Court during my term, against a sheriff and a probate judge. In the former the court held that the Constitution was not self-executing. In the latter, among other grounds alleged was "intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of its duties." (Section 173). The court held this language to be indefinite in meaning and would not attempt to say what it meant, in advance of legislative definition of the degree of drunkenness that would subject the officer to impeachment. This subject should receive attention by the Legislature.

A more efficient vagrancy law should be passed or the present one amended.—(General Acts 1903, p. 244). The Supreme Court held in Vandiver v. State, 40 So. 88, that the burden is upon the State to prove that the defendant has no property or means to support him. Under this ruling of the court the State is required to prove a negative, which it cannot do. The burden of proof should be upon the defendant charged with vagrancy to establish the nature, kind and amount of property, if any, he has from which he gains a support.

Burglary in the night-time should be punished as a capital felony. This recommendation has been made by at least one of my predecessors.

A State law should be passed prohibiting the shipment of quail or other game from the State. Thousands of live birds have been shipped from this State to northern markets during the past several years.

I cannot close without expressing in some degree my appreciation of the faithful and efficient service rendered by my assistant, Thomas W. Martin, in the preparation of this report as well as in the discharge of the duties of the Attorney General, particularly during my recent illness.

Respectfully submitted,

MASSEY WILSON,
*Attorney General.*

## CRIMINAL BUSINESS IN THE SUPREME COURT.

During the two years ending September 30th, 1904, (November Terms, 1902-3 and 1903-4), 253 criminal cases were brought to the Supreme Court for review; of this number 164 were affirmed or dismissed and 89 reversed. During the two years ending September 30th, 1906, (November Terms, 1904-5 and 1905-6), 292 criminal cases were brought to the Supreme Court for review. Of this number 184 were affirmed or dismissed and 108 reversed.

The following comparative statement is submitted to show the volume, during recent years, of this character of business in the Supreme Court.

In 1885-86, 148 appeals, 90 affirmed or dismissed, 58 reversed.

In 1887-88, 117 appeals, 72 affirmed or dismissed, 45 reversed.

In 1889-90, 189 appeals, 110 affirmed or dismissed, 79 reversed.

In 1891-92, 185 appeals, 112 affirmed or dismissed, 73 reversed.

In 1893-94, 230 appeals, 124 affirmed or dismissed, 106 reversed.

In 1895-96, 263 appeals, 158 affirmed or dismissed, 105 reversed.

In 1897-98, 231 appeals, 150 affirmed or dismissed, 81 reversed.

In 1899-1900, 189 appeals, 134 affirmed or dismissed, 54 reversed.

In 1901-02, 225 appeals, 163 affirmed or dismissed, 62 reversed.

In 1903-04, 253 appeals, 164 affirmed or dismissed, 89 reversed.

In1905-06, 292 appeals, 184 affirmed or dismissed, 108 reversed.

The proportion of reversals was as follows:

In 1885-86, 39 per cent.; in 1887-88, 38 per cent.; in 1889-90, 42 per cent.; in 1891-92, 39 per cent.; in 1893-94, 46 per cent.; in 1895-96, 40 per cent.; in 1897-98, 35 per cent.; in 1899-1900, 28 per cent.; in 1901-1902, 28 per cent.; in 1903-1904, 35 per cent.; and in 1905-1906, 36 per cent.

## CIVIL BUSINESS.

The following statement shows the suits instituted through this department during the four years ending September 30th, 1906:

State v. R. E. Newton, et al., Tax Collector Geneva County. Settled by the payment to the State, November 18th, 1903, of $1,037.70, amount of the State's claim.

State v. H. Ben Ferrell, former Sheriff of Russell County and sureties on his official bond. This case was pending in the City Court of Montgomery when I assumed the office of Attorney General. The case was tried and judgment rendered in favor of the State for $5,079.17, on October 17, 1903. A collection of $1,733.88 was made in 1904. The balance of the judgment is doubtful.

State v. Gordon Macdonald. In 1903 I instituted a proceeding against Gordon Macdonald in the City Court of Montgomery for the purpose of obtaining a summary judgment against him for the sum of money retained out of a collection made by him as attorney for the State in the case of the State v. Mrs. Louisa Kidd. Judgment was rendered in favor of the State in that proceeding on the 26th day of June, 1903, for $3,510.87 and costs of suit, and on the appeal of the defendant the judgment was affirmed by the Supreme Court,—143 Ala. p. 101. A garnishment was sued out by the State on that judgment against the Equitable Life Assurance Society, and on the 2nd of May, 1906, judgment was obtained against the garnishee in the sum of $938.77. This amount was afterwards paid into the State Treasury, less an attorney's fee allowed the Solicitor of the City Court of Montgomery for his assistance in the case, and court costs, making

the net amount paid to the State $769.48. Mr. Macdonald has died since the rendition of the judgment and his estate is insolvent and the balance of the judgment is not collectable.

State v. Warren Williams, Tax Collector of Lee County and sureties on his bond. This suit was instituted in the City Court of Montgomery in 1904. On October 3rd, 1904, $3,000.00 was paid to the State, being the amount of the State's claim.

State v. John Case, Tax Collector Mobile County and Fidelity & Deposit Co. of Md. Surety. Settled January 16th, 1905, by the payment to the State of $6,664.20, the amount of the State's claim.

State v. Diamond Match Co. Twenty suits were instituted in the City Court of Montgomery on April 19th, 1905, by the Attorney General and Hon. S. H. Dent, Jr., Solicitor City Court of Montgomery, to recover of the defendant the statutory penalties provided by section 1318, of the Code, for transacting business in the State without having designated an agent and place of business in the State as required by section 1316. Certain property of the defendant was attached in aid of the suits. On May 20th, 1905, the defendant submitted a proposition of compromise, viz: The payment of $2,500.00 and costs of court in settlement, and the Board of Compromise accepted this proposition. There was some doubt as to the right of the State to recover and it was thought best to make this settlement. The amount named was paid into the State Treasury June 1st, 1905, less the fees allowed by section 1320.

State v. Alabama Cordage Co. and National Surety Co. This suit is now pending in the City Court of Montgomery to recvoer the amount due the State for the hire of certain convicts by the Alabama Cordage Co.

State v. Continental Trust Co. This suit was brought in Baltimore, Md., in 1904, to recover the amount of the mortgage tax on a mortgage or deed of trust from Seaboard Air Line Railway to Continental Trust Co. On April 10, 1905, an agreement of settlement was made with the defendant, by the Board of Compromise by which the sum of $15,000.00 was paid, two-thirds of which was for

the use of the State and one-third for the use of Russell County, in which County the instrument was filed.

Manhattn Trust Co. v. J. B. Gaston, Judge of Probate. This suit was brought in the City Court of Montgomery to recover the amount of the mortgage tax paid by the plaintiff on a mortgage or deed of trust. The lower court gave judgment for the defendant from which the plaintiff appealed to the Supreme Court. In this case the plaintiff attacked the constitutionality of the provisions of the Revenue Law of 1903, imposing a privilege tax on recorded mortgages, (Gen. Acts 1903, p. 227). The Supreme Court has held that the statute was not a violation of the equality clause of the Constitution, (Barnes v. Morange, 41 So. 947; Hooper v. State, 141 Ala. 111) but has not considered the regularity of its passage through the Legislature. The statute is attacked in both ways, although I think the court will uphold it. However, I suggest that the law be re-adopted in a separate act so there may be no question as to its validity.

Two other similar suits are pending, one in the City Court of Birmingham and the other in the Circuit Court of Covington County, which, by agreement with counsel, will abide the result of the case now on appeal.

In 1905 the State through condemnation proceedings, acquired title to the South half of the block on which the Capitol is located.

The Supreme Court has held § 44 1-2 of the Revenue Law of 1903 (General Acts 1903, p. 228) void, because incorporated in the revenue law, and the chief purpose of the law being not to raise revenue, but to police the business of selling oil, and therefore not germane to the title of the act. I recommend the adoption of the section referred to in a separate act.

## LIST OF CIRCUIT, CITY AND COUNTY SOLICITORS.

First Circuit.....Hon. Oscar L. Gray, Butler, Ala.
Second Circuit.....Hon. C. R. Bricken, Luverne, Ala.
Third Circuit.....Hon. C. A. L. Samford, Opelika, Ala.
Fourth Circuit..Hon. J. F. Thompson, Centreville, Ala.
Fifth Circuit.....Hon. W. B. Bowling, Dadeville, Ala.
Sixth Circiut.....Hon. W. B. Oliver, Tuscaloosa, Ala.
Seventh Circuit.....Hon. B. H. Burr, Talladega, Ala.
Eeighth Circuit.....Hon. D. C. Almon, Moulton, Ala.
Ninth Circuit....Hon. Richard C. Hunt, Ft. Payne, Ala.
Tenth Circuit...Hon. John McQueen, Birmingham, Ala.
Eleventh Cicruit.Hon. R. T. Simpson, Jr., Florence, Ala.
Twelfth Circuit....Hon. Richard H. Parks, Troy, Ala.
Thirteenth Circuit Hon. Jas. N. Granade, St. Stephens, Alabama.

City Court of Anniston, Hon. W. C. Tunstall, Jr., Anniston, Ala.

City Court of Bessemer, Hon. L. D. Godfrey, Bessemer, Ala.

City Court of Gadsden, Hon. Woodson J. Martin, Gadsden, Ala.

City Court of Mobile, Hon. James H. Webb, Mobile, Ala.

City Court of Montgomery, Hon. S. H. Dent, Jr., Montgomery, Ala.

City Court of Selma, Hon. J. F. Thompson, *ex officio,* Centreville, Ala.

City Court of Talladega, Hon. Alexander M. Garber, Talladaga, Ala.

County Court of Clay, Hon. E. J. Garrison, Ashland, Ala.

County Court of Cleburne, Hon. W. B. Merrill, Edwardsville, Ala.

County Court of Coffee, Hon. Moses J. Lee, Elba, Ala.

County Court of Geneva County, Hon. C. D. Carmichael, Geneva, Ala.

County Court of Hale, Hon. Thomas E. Knight, Greensboro, Ala.

County Court of Jackson, Hon. John F. Proctor, Scottsboro, Ala.

County Court of Montgomery, Hon. S. H. Dent, Jr., Montgomery, Ala.

County Court of Sumter, Hon. James A. Mitchell, Livingston, Ala.

County Court of Tuscaloosa, Hon. C. B. Verner, Tuscaloosa, Ala.

Criminal Court of Jefferson County, Hon. H. P. Heflin, Birmingham, Ala.

Criminal Court of Pike County, Hon. E. R. Brannen, Troy, Ala.

# GENERAL STATEMENT

SHOWING CHARACTER AND RESULTS OF PROSECUTIONS IN THE ENTIRE STATE FOR TWO YEARS ENDING SEPT. 30, 1904.

## GENERAL STATEMENT.

Showing Character and Results of Prosecutions in the Entire State for Two Years Ending September 30, 1904.

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. of sentences to | | | | Fines Paid or Secured | Debt and costs paid | Escapes | Fines remitted. | Forfeiture of bond | Insane Asylum | Pardoned | Reformatory | *Whipped out |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | | | | | | | | | |
| Abandonment | 14 | 3 | 4 | 7 | ---- | ---- | ---- | 1 | ---- | 2 | -- | -- | -- | -- | -- | -- | -- | -- |
| Abduction | 6 | ---- | 1 | 3 | 2 | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Abusive language | 902 | 503 | 145 | 217 | 37 | ---- | ---- | 73 | 14 | 416 | -- | -- | -- | -- | -- | -- | -- | -- |
| Adultery and fornication | 190 | 66 | 34 | 83 | 7 | ---- | 1 | 28 | 2 | 35 | -- | -- | -- | -- | -- | -- | -- | -- |
| Affray | 40 | 27 | 3 | 10 | ---- | ---- | ---- | 1 | ---- | 26 | -- | -- | -- | -- | -- | -- | -- | -- |
| Aiding prisoner to escape | 16 | 1 | 7 | 8 | ---- | ---- | ---- | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Allowing dog to run at large | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Allowing sheep-killing dog to run at large | 2 | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Altering mark on animal | 2 | ---- | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Appeals, Mayor and Aldermen, Birmingham | 103 | 24 | 20 | 57 | 2 | ---- | ---- | ---- | ---- | 24 | -- | -- | -- | -- | -- | -- | -- | -- |
| Appeals, Mayor and Council, Ensley | 11 | 7 | 1 | 3 | ---- | ---- | ---- | ---- | ---- | 7 | -- | -- | -- | -- | -- | -- | -- | -- |
| Appeals, Mayor and Council, East Lake | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Appeals, Mayor and Council, Pinkney City | 4 | 3 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | 3 | -- | -- | -- | -- | -- | -- | -- | -- |
| Appeals, Mayor and Council, Wylam | 5 | ---- | 3 | 2 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Appeals, Police Court, Birmingham | 61 | 10 | 19 | 32 | ---- | ---- | ---- | ---- | ---- | 10 | -- | -- | -- | -- | -- | -- | -- | -- |
| Arson, first degree | 22 | 13 | 5 | 3 | 1 | 3 | 10 | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Arson, second degree | 14 | 5 | 5 | 4 | ---- | ---- | 5 | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Arson, third degree | 1 | ---- | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Assault | 85 | 56 | 8 | 20 | 1 | ---- | ---- | 6 | ---- | 50 | -- | -- | -- | -- | -- | -- | -- | -- |
| Assault and battery | 874 | 607 | 107 | 131 | 29 | ---- | ---- | 131 | 39 | 435 | -- | -- | -- | -- | 2 | -- | -- | -- |
| Assault and battery with weapon | 603 | 414 | 84 | 95 | 10 | ---- | ---- | 122 | 10 | 282 | -- | -- | -- | -- | -- | -- | -- | -- |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines Paid or Secured | Debt and costs paid | Escapes | Fines remitted | Forfeiture of bond | Insane Asylum | Pardoned | Reformatory | Whipped out |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | | | | | | | | | |
| Assault with weapon | 191 | 142 | 17 | 28 | 4 | ---- | ---- | 32 | 5 | 105 | -- | -- | -- | -- | 1 | -- | -- | -- |
| Assault with intent to murder | 483 | 263 | 95 | 105 | 20 | ---- | 168 | 49 | 1 | 46 | -- | -- | -- | -- | -- | -- | -- | -- |
| Assault with intent to ravish | 27 | 15 | 4 | 7 | 1 | ---- | 14 | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Assault with intent to rob | 4 | 1 | ---- | 3 | ---- | ---- | ---- | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt at abortion | 1 | ---- | ---- | 1 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt at arson | 1 | ---- | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt at burglary | 12 | 10 | 2 | ---- | ---- | ---- | ---- | 8 | ---- | 2 | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt at felony | 2 | 2 | ---- | ---- | ---- | ---- | ---- | 1 | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt at larceny | 2 | 2 | ---- | ---- | ---- | ---- | 1 | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt to ahsault intent to ravish | 1 | 1 | ---- | ---- | ---- | ---- | 1 | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Attempt to poison | 5 | 2 | 1 | 2 | ---- | ---- | 2 | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Bastardy | 42 | 18 | 8 | 9 | 7 | ---- | ---- | 7 | ---- | 11 | -- | -- | -- | -- | -- | -- | -- | -- |
| Beastiality | 2 | ---- | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Betting at cards | 26 | 10 | 16 | ---- | ---- | ---- | ---- | ---- | ---- | 10 | -- | -- | -- | -- | -- | -- | -- | -- |
| Betting in public places | 21 | 7 | 2 | 12 | ---- | ---- | ---- | 4 | ---- | 3 | -- | -- | -- | -- | -- | -- | -- | -- |
| Betting with minor | 2 | ---- | ---- | 2 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Betting on election | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Bigamy | 28 | 18 | 4 | 5 | 1 | ---- | 16 | 1 | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Blackmail | 2 | 1 | ---- | 1 | ---- | ---- | ---- | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Breaking fence | 11 | 9 | 1 | 1 | ---- | ---- | ---- | 6 | ---- | 3 | -- | -- | -- | -- | -- | -- | -- | -- |
| Bringing stolen property into the State | 2 | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Burglary | 405 | 310 | 46 | 40 | 9 | ---- | 255 | 55 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Burglary and grand larceny | 139 | 94 | 14 | 25 | 6 | ---- | 57 | 39 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Burglary from railroad car | 8 | 8 | | | | | 6 | 2 | | | | | | | | | | | |
| Burning insured property | 1 | | 1 | | | | | | | | | | | | | | | | |
| Conjuring | 1 | | | | 1 | | | | | | | | | | | | | | |
| Carnal knowledge, girl over 10 | 12 | 5 | 1 | 3 | 3 | | 4 | 1 | | | | | | | | | | | |
| Carnal knowledge, girl under 10 | 7 | 5 | | 1 | 1 | | 5 | | | | | | | | | | | | |
| Carrying on lottery | 1 | | | 1 | | | | | | | | | | | | | | | |
| Cock fighting | 1 | | 1 | | | | | | | | | | | | | | | | |
| Compounding felony | 1 | | | | 1 | | | | | | | | | | | | | | |
| Concealed weapons | 1093 | 685 | 162 | 211 | 35 | | | 262 | 6 | 417 | | | | | | | | | |
| Concealing stolen property | 4 | 4 | | | | | | 2 | | 2 | | | | | | | | | |
| Conspiracy | 9 | 1 | 3 | 4 | 1 | | | | | 1 | | | | | | | | | |
| Counterfeiting | 1 | | | 1 | | | | | | | | | | | | | | | |
| Crime against nature | 3 | 3 | | | | | 2 | | | 1 | | | | | | | | | |
| Cruelty to animals | 30 | 15 | 6 | 6 | 3 | | | 1 | | 14 | | | | | | | | | |
| Defacing public building | 17 | 7 | 9 | 1 | | | | | 1 | 6 | | | | | | | | | |
| Defacing mile-post | 1 | | | 1 | | | | | | | | | | | | | | | |
| Defamation | 55 | 11 | 17 | 17 | 10 | | | 2 | | 9 | | | | | | | | | |
| Defaulting road apportioner | 1 | | | 1 | | | | | | | | | | | | | | | |
| Defaulting road hand | 85 | 21 | 24 | 37 | 3 | | | 5 | | 16 | | | | | | | | | |
| Defaulting road overseer | 15 | 2 | 1 | 12 | | | | | | 2 | | | | | | | | | |
| Defaulting witness | 3 | 3 | | | | | | | 1 | 2 | | | | | | | | | |
| Dentistry, practice without license | 1 | 1 | | | | | | | | 1 | | | | | | | | | |
| Disturbing assembly | 4 | 4 | | | | | | 1 | | 3 | | | | | | | | | |
| Disturbing religious worship | 139 | 67 | 36 | 33 | 3 | | | | 1 | 66 | | | | | | | | | |
| Disturbing school | 7 | 4 | | 3 | | | | | | 4 | | | | | | | | | |
| Disturbing women | 28 | 16 | 7 | 5 | | | | 1 | | 15 | | | | | | | | | |
| Embezzlement | 78 | 23 | 19 | 34 | 2 | | 10 | 10 | 1 | 2 | | | | | | | | | |
| Embezzlement and larceny | 2 | 1 | | 1 | | | | 1 | | | | | | | | | | | |
| Employing minor in saloon | 1 | 1 | | | | | | | | 1 | | | | | | | | | |
| Enticing away laborer | 4 | | 1 | 3 | | | | | | | | | | | | | | | |
| Enticing away minor | 1 | | 1 | | | | | | | | | | | | | | | | |
| Enticing away servant | 7 | | 1 | 4 | 2 | | | | | | | | | | | | | | |
| Escape | 21 | 19 | 2 | | | | | 11 | | 8 | | | | | | | | | |
| Failure to report stock impounded | 1 | | 1 | | | | | | | | | | | | | | | | |
| Failure to report infections disease | 1 | | | 1 | | | | | | | | | | | | | | | |
| Failure to stop at railroad crossing | 1 | | | | 1 | | | | | | | | | | | | | | |
| Failure to keep drinking water on train | 2 | | 2 | | | | | | | | | | | | | | | | |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. of sentences to | | | | Fines Paid or Secured | Debt and costs paid | Escapes | Fines remitted | Forfeiture of bond | Insane Asylum | Pardoned | Reformatory | *Whipped out |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | | | | | | | | | |
| Failure to repair streets | 1 | | | 1 | | | | | | | | | | | | | | |
| False pretense | 153 | 59 | 15 | 68 | 11 | | 5 | 14 | | 40 | | | | | | | | |
| Forfeitures | 20 | 20 | | | | | | | | 20 | | | | | | | | |
| Forgery, first degree | 19 | 13 | 1 | 1 | 4 | | 13 | | | | | | | | | | | |
| Forgery, second degree | 98 | 53 | 13 | 27 | 5 | | 26 | 9 | | 18 | | | | | | | | |
| Forgery, third degree | 5 | 5 | | | | | | 2 | 1 | 2 | | | | | | | | |
| Fraud to obtain money by labor contract | 5 | 3 | 1 | 1 | | | | | | 3 | | | | | | | | |
| Fraudulent conveyance | 2 | | | 2 | | | | | | | | | | | | | | |
| Gaming | 442 | 288 | 41 | 106 | 7 | | | 67 | 6 | 215 | | | | | | | | |
| Gaming in public places | 5 | 1 | 1 | 3 | | | | | | 1 | | | | | | | | |
| Gaming with minor | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Gaming on Sunday | 54 | 30 | 6 | 16 | 2 | | | | | 30 | | | | | | | | |
| Giving liquor to minor | 1 | | 1 | | | | | | | | | | | | | | | |
| Horse racing on public road | 4 | 2 | 1 | 1 | | | | | | 2 | | | | | | | | |
| Hunting on Sunday | 3 | | 1 | 2 | | | | | | | | | | | | | | |
| Hunting on pike without license | 4 | 4 | | | | | | | | 4 | | | | | | | | |
| Incest | 4 | 3 | | 1 | | | 1 | 2 | | | | | | | | | | |
| Indecent exposure of person | 3 | | 2 | 1 | | | | | | | | | | | | | | |
| Injuring private property | 1 | | 1 | | | | | | | | | | | | | | | |
| Injuring public property | 10 | 4 | 2 | 2 | 2 | | | | | 4 | | | | | | | | |
| Injuring telephone line | 1 | 1 | | | | | | | | 1 | | | | | | | | |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Justice of Peace collecting illegal fees | 1 | | 1 | | | | | | | | | | | | | | | | |
| J. of P. failing to report docket to grand jury | 6 | 2 | 4 | | | | | | | | 2 | | | | | | | | |
| J. of P. failing to report fees to grand jury | 1 | | | 1 | | | | | | | | | | | | | | | |
| J. of P. summons, refusing to obey | 3 | 2 | 1 | | | | | | | | 2 | | | | | | | | |
| Keeping bawdy house | 2 | | | 2 | | | | | | | | | | | | | | | |
| Keeping disorderly house | 4 | 2 | 1 | 1 | | | | | | | 2 | | | | | | | | |
| Keeping ferry without license | 2 | 1 | | 1 | | | | | | | 1 | | | | | | | | |
| Keeping gaming table | 28 | 9 | 5 | 14 | | | | 3 | | 6 | | | | | | | | | |
| Keeping house of prostitution | 1 | 1 | | | | | | | | 1 | | | | | | | | | |
| Larceny, grand | 867 | 590 | 114 | 127 | 36 | | 403 | 179 | 2 | 6 | | | | | | | | | |
| Larceny, grand, and receiving stolen property | 12 | 10 | 1 | 1 | | | 10 | | | | | | | | | | | | |
| Larceny, petit | 565 | 403 | 59 | 83 | 21 | | | 133 | 40 | 233 | | | | | 1 | | 1 | 3 | |
| Larceny, petit from person | 2 | | 2 | | | | | | | | | | | | | | | | |
| Libel | 3 | 1 | 1 | 1 | | | | | | 1 | | | | | | | | | |
| Maintaining nuisance | 1 | | 1 | | | | | | | | | | | | | | | | |
| Malicious mischief | 34 | 11 | 15 | 7 | 1 | | | 3 | 1 | 7 | | | | | | | | | |
| Manslaughter, first degree | 81 | 65 | 13 | 2 | 1 | | 50 | 14 | 1 | | | | | | | | | | |
| Manslaughter, second degree | 32 | 26 | 3 | 3 | | | 2 | 12 | 6 | 7 | | | | | | | | | |
| Miscegenation | 17 | 8 | 5 | 3 | 1 | | 6 | | | 2 | | | | | | | | | |
| Murder, first degree | 256 | 146 | 59 | 40 | 11 | 36 | 106 | 3 | 1 | | | | | | | | | | |
| Murder, second degree | 126 | 101 | 20 | 6 | | | 100 | 1 | | | | | | | | | | | |
| Negligent escape | 3 | | 1 | 1 | 1 | | | | | | | | | | | | | | |
| Nightwalking | 27 | 18 | 5 | 2 | 2 | | | 15 | | 3 | | | | | | | | | |
| Obstructing public road | 16 | 8 | 4 | 3 | 1 | | | | | 8 | | | | | | | | | |
| Obtaining signature, false pretense | 1 | | | 1 | | | | | | | | | | | | | | | |
| Peddling, no license | 4 | | 1 | 3 | | | | | | | | | | | | | | | |
| Perjury | 39 | 10 | 9 | 18 | 2 | | | 10 | | | | | | | | | | | |
| Permitting gaming on premises | 3 | 2 | 1 | | | | | | | 2 | | | | | | | | | |
| Permitting minor to play pool | 3 | 3 | | | | | | | | 3 | | | | | | | | | |
| Playing cards in public place | 62 | 58 | 4 | | | | | 9 | | 49 | | | | | | | | | |
| Playing cards on Sunday | 20 | 8 | 5 | 6 | 1 | | | | | 8 | | | | | | | | | |
| Playing dice in public place | 5 | 5 | | | | | | | | 5 | | | | | | | | | |
| Pool selling | 1 | 1 | | | | | | | | 1 | | | | | | | | | |
| Practicing dentistry without license | 2 | 2 | | | | | | | | 2 | | | | | | | | | |
| Practicing medicine without license | 21 | 10 | 4 | 9 | | | | | | 10 | | | | | | | | | |
| Presenting gun | 79 | 41 | 15 | 21 | 2 | | | 7 | 1 | 33 | | | | | | | | | |
| Prize fighting | 1 | | | 1 | | | | 1 | | | | | | | | | | | |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to: Death | Penitentiary | Hard labor | Jail | Fines paid or secured | Debt and costs. | Escapes. | Fines remitted | Forfeiture. | Insane Asylum. | Pardoned. | Refgormatory. | Whipped out. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Prostitution | 1 | 1 | ---- | ---- | ---- | ---- | ---- | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Preventing person from engaging in business | 6 | 1 | 1 | 3 | 1 | ---- | ---- | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Public drunkenness | 293 | 217 | 20 | 46 | 10 | ---- | ---- | ---- | ---- | 217 | -- | -- | -- | -- | -- | -- | -- | -- |
| Racing on public road | 2 | ---- | 2 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Rape | 26 | 15 | 6 | 4 | 1 | 2 | 12 | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Receiving stolen property | 41 | 10 | 8 | 22 | 1 | ---- | 2 | 4 | 3 | 2 | -- | -- | -- | -- | -- | -- | -- | -- |
| Receiving mortgaged property | 18 | 13 | 2 | 3 | ---- | ---- | 1 | ---- | ---- | 12 | -- | -- | -- | -- | -- | -- | -- | -- |
| Removing boat from mooring | 3 | 1 | ---- | 1 | 1 | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Removing mortgaged property | 11 | 4 | 3 | 3 | 1 | ---- | 2 | 1 | ---- | 1 | -- | -- | -- | -- | -- | -- | -- | -- |
| Removing property under lien | 15 | 11 | 2 | 1 | 1 | ---- | ---- | 8 | ---- | 3 | -- | -- | -- | -- | -- | -- | -- | -- |
| Resisting officer | 31 | 16 | 3 | 9 | 3 | ---- | ---- | 6 | ---- | 10 | -- | -- | -- | -- | -- | -- | -- | -- |
| Retarding justice | 1 | ---- | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Retailing | 368 | 186 | 39 | 134 | 8 | ---- | ---- | 59 | 4 | 127 | -- | -- | -- | -- | -- | -- | -- | -- |
| Robbery | 64 | 27 | 16 | 18 | 3 | 1 | 26 | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Seduction | 8 | 3 | ---- | 5 | ---- | ---- | 2 | 1 | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Selling cigarette tobacco | 5 | ---- | ---- | 5 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Selling liquor to minor | 24 | 7 | 1 | 16 | ---- | ---- | ---- | ---- | ---- | 7 | -- | -- | -- | -- | -- | -- | -- | -- |
| Selling liquor to person of known intemperate habits | 3 | ---- | ---- | 3 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Selling mortgaged property | 38 | 15 | 7 | 12 | 4 | ---- | ---- | 1 | 4 | 10 | -- | -- | -- | -- | -- | -- | -- | -- |
| Selling pistol to minor | 1 | ---- | ---- | ---- | 1 | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |
| Selling poison without label | 1 | ---- | ---- | 1 | ---- | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | -- |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Selling unwholesome meat | 1 | | 1 | | | | | | | | | | | | | | | | |
| Selling whiskey on election day | 1 | 1 | | | | | | | | | 1 | | | | | | | | |
| Sending threatening letter | 8 | 1 | 2 | 5 | | | | | | | 1 | | | | | | | | |
| Severing from freehold | 8 | 1 | 6 | 1 | | | | | 1 | | | | | | | | | | |
| Shooting into railroad train | 2 | | 1 | | 1 | | | | | | | | | | | | | | |
| Shooting across public road | 63 | 38 | 8 | 15 | 2 | | | | 5 | | 33 | | | | | | | | |
| Shooting on Sunday | 6 | 6 | | | | | | | | | 6 | | | | | | | | |
| Slot machine, operating | 2 | 1 | | 1 | | | | | | | 1 | | | | | | | | |
| Sodomy | 1 | 1 | | | | | 1 | | | | | | | | | | | | |
| Swindling and cheating | 3 | 3 | | | | | | | | | 3 | | | | | | | | |
| Taking cotton from bale illegally | 5 | | 5 | | | | | | | | | | | | | | | | |
| Taking girl under 14 for prostitution | 2 | | | 2 | | | | | | | | | | | | | | | |
| Taking orders, prohibiting district | 25 | 13 | 2 | 10 | | | | | | | 13 | | | | | | | | |
| Taking property without process of law | 1 | | 1 | | | | | | | | | | | | | | | | |
| Tampering with railroad switch | 1 | | 1 | | | | | | | | | | | | | | | | |
| Temporary use of animal | 11 | 11 | | | | | | | 3 | | 8 | | | | | | | | |
| Theratening to burn house | 1 | 1 | | | | | 1 | | | | | | | | | | | | |
| Throwing missle into railroad train | 10 | 9 | | 1 | | | 1 | | 7 | | 1 | | | | | | | | |
| Train wrecking | 4 | | 3 | 1 | | | | | | | | | | | | | | | |
| Trespass after warning | 168 | 42 | 50 | 64 | 14 | | | | 10 | 1 | 31 | | | | | | | | |
| Trespass by cutting timber | 2 | 1 | | | 1 | | | | | | 1 | | | | | | | | |
| Unlawful assembly | 2 | | | 1 | 1 | | | | | | | | | | | | | | |
| Unlawfully injuring animal | 64 | 37 | 10 | 15 | 2 | | | | 1 | | 36 | | | | | | | | |
| Unlawfully riding train | 21 | 15 | 3 | 3 | | | | | 9 | | 6 | | | | | | | | |
| Using explosives to catch fish | 3 | 2 | | 1 | | | | | | | 2 | | | | | | | | |
| Vagrancy | 208 | 103 | 42 | 52 | 11 | | | | 53 | 2 | 48 | | | | | | | | |
| Violating boycott law | 1 | | 1 | | | | | | | | | | | | | | | | |
| Violating civil (laoor) contract | 5 | 3 | | 1 | 1 | | | | 2 | | 1 | | | | | | | | |
| Violating contract with surety confessed judg. | 41 | 29 | 5 | 5 | 2 | | | | 15 | | 14 | | | | | | | | |
| Violating garnishment law | 1 | | | 1 | | | | | | | | | | | | | | | |
| Violating prohibition law | 198 | 106 | 21 | 34 | 38 | | | | 11 | 3 | 92 | | | | | | | | |
| Violating revenue law | 212 | 94 | 41 | 61 | 16 | | | | 14 | | 80 | | | | | | | | |
| Violating school law | 7 | | | 7 | | | | | | | | | | | | | | | |
| Violating stock law | 17 | 5 | | 10 | 2 | | | | | | 5 | | | | | | | | |
| Violating Sunday law | 251 | 180 | 25 | 45 | 1 | | | | 25 | 3 | 152 | | | | | | | | |
| Violating sunrise and sunset law | 7 | 1 | 2 | 4 | | | | | | | 1 | | | | | | | | |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Debt and costs. | Escapes. | Fines remitted | Forfeiture. | Insane Asylum. | Pardoned. | Refgormatory. | Whipped out. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | | | | | | | | |
| Wanton mischief | 17 | 5 | 5 | 4 | 3 | ---- | ---- | ---- | ---- | 5 | -- | -- | -- | -- | -- | -- | -- | -- |
| Total | 11574 | 6854 | 1744 | 2530 | 446 | 42 | 1314 | 1623 | 158 | 3727 | -- | -- | -- | 1 | 3 | 1 | -- | 3 |

Percentage of convictions in cases disposed of, 59.
Predominant crime, concealed weapons.

NOTE—In some cases disposed of there were two defendants and in some cases the defendants were fined and also sentenced to hard labor or jail.

*Under special statute for Mobile County. See Acts 1898-99, p. 488.

## COUNTY COURT OF CLAY.

Hon. E. J .Garrison, Solictior, Ashland, Ala.

(Two years ending Sept. 30th, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to: Death | Penitentiary | Hard labor | Jail | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| Abusive language | 5 | 4 | --- | 1 | --- | --- | --- | --- | --- | 4 |
| Arson, second degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault with weapon | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Assault and battery | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Assault, intent to murder | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 7 | 5 | 1 | 1 | --- | --- | --- | --- | --- | 5 |
| Defamation | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| False pretense | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, petit | 3 | --- | 3 | --- | --- | --- | --- | --- | --- | --- |
| Malicious mischief | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Presenting gun | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 6 | 2 | 2 | 2 | --- | --- | --- | --- | --- | 2 |
| Retailing | 10 | 9 | --- | 1 | --- | --- | --- | --- | --- | 9 |
| Selling mortgaged property | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Unlawful injury to animal | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Total | 52 | 32 | 12 | 8 | --- | --- | 1 | --- | --- | 31 |

Percentage of convictions in cases disposed of, 62.
Predominant crime, Retailing.

## COUNTY COURT OF COFFEE.

Hon. M. J. Lee, Solicitor, Elba, Alabama.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 11 | 7 | 3 | 1 | --- | --- | --- | --- | --- | 7 |
| Adultery and fornication | 4 | 1 | 3 | --- | --- | --- | --- | 1 | --- | --- |
| Assault and battery | 16 | 11 | 2 | 3 | --- | --- | --- | 1 | --- | 10 |
| Concealed weapons | 11 | 7 | 4 | --- | --- | --- | --- | 4 | --- | 3 |
| Defamation | 3 | 1 | --- | 2 | --- | --- | --- | 1 | --- | --- |
| Defaulting road hand | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Embezzlement | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| False pretense | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Gaming | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, petit | 7 | 5 | 1 | 1 | --- | --- | --- | --- | --- | 5 |
| Public drunkenness | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Retailing | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 7 | --- | 1 | 6 | --- | --- | --- | --- | --- | --- |
| Unlawful injury to animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawfully riding on train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Violating contract with surety, confessed judgment | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Total | 73 | 39 | 18 | 16 | --- | --- | --- | 9 | --- | 30 |

Percentage of convictions in cases disposed of, 53.
Predominant crime, Assault and Battery.

## CITY COURT OF GADSDEN.

Hon. Woodson J. Martin, Solicitor, Gadsden, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | 1 | | | | | | | | 1 |
| Abusive language | 28 | 17 | 3 | 4 | 4 | | | | | 17 |
| Adultery and fornication | 3 | 1 | | 2 | | | | | | 1 |
| Affray | 1 | | | 1 | | | | | | |
| Arson, third degree | 1 | | 1 | | | | | | | |
| Assault | 5 | 4 | 1 | | | | | | | 4 |
| Assault and battery | 14 | 9 | 1 | 3 | 1 | | | 3 | | 6 |
| Assault and battery with weapon | 21 | 19 | 1 | 1 | | | | 5 | | 14 |
| Assault, intent to murder | 10 | 7 | | 1 | 2 | | 3 | | | |
| Assault, intent to ravish | 2 | 2 | | | | | 2 | | | |
| Bastardy | 1 | | | | 1 | | | | | |
| Bigamy | 2 | 2 | | | | | | 2 | | |
| Burglary | 6 | 4 | 1 | 1 | | | 1 | 3 | | |
| Burglary and grand larceny | 4 | 4 | | | | | | 4 | | |
| Carnal knowledge, girl over 10 | 1 | | | | 1 | | | | | |
| Concealed weapons | 23 | 16 | 4 | 2 | 1 | | | 7 | | 9 |
| Cruelty to animals | 1 | 1 | | | | | | | | 1 |
| Defamation | 2 | 2 | | | | | | | | 2 |
| Disturbing religious worship | 9 | 7 | 1 | 1 | | | | | | 7 |
| Disturbing school | 1 | 1 | | | | | | | | 1 |
| Embezzlement | 2 | 1 | 1 | | | | | 1 | | |
| False pretense | 4 | 3 | | 1 | | | | 2 | | 1 |
| Forgery, first degree | 2 | 1 | | | 1 | | 1 | | | |
| Gaming | 14 | 14 | | | | | | 2 | | 12 |
| Hunting on Sunday | 3 | | 1 | 2 | | | | | | |
| Incest | 1 | 1 | | | | | 1 | | | |
| Keeping disorderly house | 3 | 1 | 1 | 1 | | | | | | 1 |
| Larceny, grand | 15 | 11 | | 4 | | | 3 | 8 | | |
| Larceny, petit | 10 | 9 | | 1 | | | | 8 | 1 | |
| Manslaughter, first degree | 1 | 1 | | | | | 1 | | | |
| Manslaughter, second degree | 2 | 2 | | | | | 1 | 1 | | |
| Murder, first degree | 2 | 2 | | | | 1 | 1 | | | |
| Playing cards, public place | 5 | 5 | | | | | | | | 5 |
| Presenting gun | 1 | 1 | | | | | | | | 1 |
| Prostitution | 1 | 1 | | | | | | 1 | | |
| Public drunkenness | 1 | 1 | | | | | | | | 1 |

CITY COURT OF GADSDEN—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Retailing | 13 | 10 | 1 | 1 | 1 | --- | --- | 1 | --- | 9 |
| Seduction | 2 | 2 | --- | --- | --- | --- | 1 | 1 | --- | --- |
| Sending threatening letter | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Severing from freehold | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 6 | 6 | --- | --- | --- | --- | --- | --- | --- | 6 |
| Taking girl under fourteen for prostitution | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 3 | 1 | 1 | 1 | --- | --- | --- | --- | --- | 1 |
| Violating stock law | 4 | 1 | --- | 2 | 1 | --- | --- | --- | --- | 1 |
| Total | 235 | 172 | 19 | 31 | 13 | 1 | 15 | 52 | 2 | 102 |

Percentage of convictions in cases disposed of, 78.
Predominant crime, Abusive language.

## COUNTY COURT OF JACKSON.

Hon. Jno. F. Proctor, Solicitor, Scottsboro, Ala.

(Including all cases tried in the County Court and Circuit Court of Jackson County.)

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 9 | 5 | 1 | 3 | --- | --- | --- | --- | --- | 5 |
| Adultery and fornication | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 |
| Altering mark on animal | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Arson, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Assault with weapon | 12 | 8 | --- | 3 | 1 | --- | --- | --- | --- | 8 |
| Attempt to commit grand larceny | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Bigamy | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Concealed weapons | 8 | 3 | 3 | 2 | --- | --- | --- | --- | --- | 3 |
| Defaulting road hand | 7 | 4 | 1 | 2 | --- | --- | --- | 4 | --- | --- |
| Disturbing religious worship | 11 | 7 | 2 | 2 | --- | --- | --- | --- | --- | 7 |
| Embezzlement | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Failure to repair streets | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Forgery, third degree | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Gaming | 8 | 6 | --- | 2 | --- | --- | --- | --- | --- | 6 |
| Hunting on pike without license | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Injuring telephone line | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Injury to public building | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 9 | 8 | --- | 1 | --- | --- | 8 | --- | --- | --- |
| Larceny, petit | 8 | 3 | 4 | 1 | --- | --- | --- | --- | --- | 3 |
| Manslaughter, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Murder, second degree | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Obstructing public road | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Peddling | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Perjury | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Public drunkenness | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Retailing | 10 | 4 | 1 | 4 | 1 | --- | --- | 4 | --- | --- |
| Selling cigarettes | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 6 | 5 | --- | --- | 1 | --- | --- | --- | --- | 5 |
| Temporary use of property | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 121 | 73 | 17 | 27 | 4 | --- | 14 | 8 | 1 | 50 |

Percentage of cases disposed of, 60.
Predominant crime, Assault with weapon.

COUNTY COURT OF MADISON.

Hon. Tancred Betts, Solicitor, Huntsville, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Arson, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault, intent to murder | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Assault, intent to ravish | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault with weapon | 11 | 7 | --- | 4 | --- | --- | --- | 2 | --- | 5 |
| Burglary | 9 | 7 | --- | 2 | --- | --- | --- | 7 | --- | --- |
| Concealed weapons | 6 | 4 | --- | 2 | --- | --- | --- | 1 | 2 | 1 |
| Disturbing religious worship | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Forgery, third degree | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Gaming | 22 | 13 | --- | 9 | --- | --- | --- | 3 | --- | 10 |
| Larceny, grand | 16 | 10 | --- | 6 | --- | --- | --- | 10 | --- | --- |
| Larceny, petit | 6 | 5 | --- | 1 | --- | --- | --- | 2 | --- | 3 |
| Manslaughter, second degreee | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Murder, second degree | 3 | 2 | 1 | --- | --- | --- | 2 | --- | --- | --- |
| Practicing medicine without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Resisting officer | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Retailing | 6 | 3 | 1 | 2 | --- | --- | --- | --- | --- | 3 |
| Selling mortgaged property | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Selling liquor on election day | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Throwing missle into train | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Trespass after warning | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass by cutting timber | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 99 | 60 | 6 | 33 | --- | --- | 2 | 26 | 2 | 30 |

Percentage of convictions in cases disposed of, 67.
Predominant crime, Gaming.

COUNTY COURT OF MONTGOMERY.

Hon. S. H. Dent, Jr., Solicitor, Montgomery, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Insane Asylum |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | |
| Abusive language | 19 | 7 | 6 | 6 | --- | --- | --- | 6 | --- | 1 | --- |
| Assault | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault with weapon | 5 | 2 | 1 | 1 | 1 | --- | --- | 2 | --- | --- | 1 |
| Assault and battery | 10 | 2 | 2 | 6 | --- | --- | --- | 2 | --- | --- | 1 |
| Assault & battery with weapon | 3 | 1 | 2 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Concealed weapons | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| Defamation | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Failure to report imp'ded stock | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| False pretense | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, petit | 5 | 4 | --- | 1 | --- | --- | --- | 4 | --- | --- | --- |
| Night walking | 16 | 12 | 3 | --- | 1 | --- | --- | 11 | --- | 1 | --- |
| Practicing medicine without license | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Removing property under lien | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 5 | --- | 3 | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Vagrancy | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Total | 72 | 29 | 18 | 20 | 5 | --- | --- | 26 | --- | 3 | 2 |

Percentage of convictions in cases disposed of, 40.
Predominant crime, Abusive language.

## COUNTY COURT OF SUMPTER.

Hon. James A. Mitchell, Solicitor, Livingston, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 3 | 1 | 2 | | | | | | | 1 |
| Adultery and fornication | 1 | | | 1 | | | | | | |
| Assault and battery | 13 | 10 | 2 | | 1 | | | | | 10 |
| Assault and battery with weapon | 30 | 23 | 5 | 2 | | | | 3 | | 20 |
| Consealed weapons | 12 | 6 | 3 | 3 | | | | 1 | | 5 |
| False pretense | 3 | 2 | | 1 | | | | | | 2 |
| Gaming | 7 | 7 | | | | | | | | 7 |
| Larceny, petit | 6 | 4 | 1 | 1 | | | | 1 | | 3 |
| Obstructing public road | 1 | | 1 | | | | | | | |
| Presenting gun | 3 | 3 | | | | | | | | 3 |
| Racing on public road | 2 | | 2 | | | | | | | |
| Removing mortgaged property | 4 | 1 | 1 | 2 | | | | | | 1 |
| Temporary use of animal | 1 | 1 | | | | | | | | 1 |
| Trespass after warning | 2 | 1 | | 1 | | | | | | 1 |
| Unlawful injury to animal | 1 | 1 | | | | | | | | 1 |
| Vagrancy | 4 | | 1 | 3 | | | | | | |
| Violating contract with surety, confessed judgment | 3 | 2 | | 1 | | | | 2 | | |
| Violating prohibitory law | 30 | 23 | 1 | 5 | 1 | | | 3 | | 20 |
| Violating Sunday law | 2 | 1 | | 1 | | | | | | 1 |
| Total | 128 | 86 | 19 | 21 | 2 | | | 10 | | 76 |

Percentage of convictions in cases disposed of, 67.
Predominant crime, Assault and battery and violating prohibitory law.

## COUNTY COURT OF TUSCALOOSA.

Hon. C. B. Vener, Solicitor, Tusealoosa, Alabama.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 41 | 20 | 1 | 20 | --- | --- | --- | 5 | --- | 15 |
| Adultery and fornication | 22 | 12 | 1 | 9 | --- | --- | --- | 6 | --- | 6 |
| Allowing sheep killing dog to run at large | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault and battery | 71 | 49 | 8 | 14 | --- | --- | --- | 5 | --- | 44 |
| Carnal knowledge, girl under 10 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Carnal knowledge, girl over 10 | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 69 | 48 | 7 | 14 | --- | --- | --- | 19 | --- | 29 |
| Disturbing religious worship | 4 | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 |
| False pretense | 13 | 4 | 3 | 6 | --- | --- | --- | --- | --- | 4 |
| Gaming | 84 | 68 | 1 | 14 | 1 | --- | --- | 20 | --- | 48 |
| Larceny, petit | 35 | 26 | 2 | 7 | --- | --- | --- | 9 | 1 | 16 |
| Public drunkenness | 12 | 9 | 2 | 1 | --- | --- | --- | --- | --- | 9 |
| Shooting across public road | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Swindling and cheating | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Trespass after warning | 17 | 2 | 4 | 11 | --- | --- | --- | 2 | --- | --- |
| Unlawfully riding on train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Unlawful injury to animal | 15 | 5 | 2 | 8 | --- | --- | --- | --- | --- | 5 |
| Vagrancy | 4 | --- | --- | 4 | --- | --- | --- | --- | --- | --- |
| Violating boycott law | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating contract with surety, confessed judgment | 14 | 6 | 4 | 4 | --- | --- | --- | 2 | --- | 4 |
| Violating prohibitory law | 18 | 9 | 2 | 7 | --- | --- | --- | --- | --- | 9 |
| Violating Sunday law | 5 | 3 | 1 | 1 | --- | --- | --- | --- | --- | 3 |
| Total | 433 | 268 | 43 | 121 | 1 | --- | 1 | 69 | 1 | 197 |

Percentage of convictions in cases disposed of, 62.
Predominant crime, Gaming.

## CITY COURT OF ANNISTON.

Hon. W. C. Tunstall, Jr., Solicitor, Anniston, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to: Death | Penitentiary | Hard labor | Jail | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| Abandonment | 1 | | 1 | | | | | | | |
| Abusive language | 14 | 12 | | 2 | | | | 1 | | 11 |
| Adultery and fornication | 1 | | | 1 | | | | | | |
| Affray | 3 | 2 | 1 | | | | | | | 2 |
| Aiding prisoner to escape | 1 | 1 | | | | | | 1 | | |
| Assault | 1 | 1 | | | | | | | | 1 |
| Assault with weapon | 11 | 8 | 2 | 1 | | | | 4 | | 4 |
| Assault and battery | 3 | 2 | 1 | | | | | 1 | | 1 |
| Assault, intent to murder | 5 | 1 | 2 | 2 | | | 1 | | | |
| Burglary | 5 | 5 | | | | | 5 | | | |
| Burglary and grand larceny | 5 | 4 | | 1 | | | 4 | | | |
| Concealed weapons | 4 | 2 | 1 | 1 | | | | 1 | | 1 |
| Cruelty to animals | 1 | | 1 | | | | | | | |
| Defaulting road hand | 1 | | 1 | | | | | | | |
| Destroying fence | 1 | 1 | | | | | | 1 | | |
| Disturbing religious worship | 2 | 1 | 1 | | | | | | | 1 |
| False pretense | 3 | | | 3 | | | | | | |
| Forgery, second degree | 7 | 3 | 1 | 3 | | | 3 | | | |
| Gaming | 3 | 3 | | | | | | 2 | | 1 |
| Larceny, grand | 2 | | 2 | | | | | | | |
| Larceny, grand, and receiving stolen property | 12 | 10 | 1 | 1 | | | 10 | | | |
| Larceny, petit | 6 | 3 | 1 | 2 | | | | 3 | | |
| Manslaughter, first degree | 1 | 1 | | | | | 1 | | | |
| Murder, first degree | 3 | 3 | | | | 1 | 2 | | | |
| Murder, second degree | 1 | 1 | | | | | 1 | | | |
| Playing cards, public place | 1 | 1 | | | | | | 1 | | |
| Presenting gun | 3 | 2 | | 1 | | | | | | 2 |
| Practicing medicine without license | 1 | | 1 | | | | | | | |
| Rape | 1 | 1 | | | | | 1 | | | |
| Retailing | 23 | 17 | 2 | 4 | | | | 14 | | 3 |
| Robbery | 1 | | 1 | | | | | | | |
| Seduction | 1 | | | 1 | | | | | | |
| Shooting across public road | 1 | | 1 | | | | | | | |
| Total | 129 | 85 | 21 | 23 | | 1 | 28 | 29 | | 7 |

Percentage of convictions in cases disposed of, 66.
Predominant crime, Retailing.

## CITY COURT OF BESSEMER.

Hon. James A. Estes, Solicitor, Bessemer, Alabama.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Insane Asylum | Pardoned | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | | | |
| Abusive language | 95 | 43 | 36 | 12 | 4 | | | 5 | | 38 | | | |
| Adultery & fornication | 13 | 1 | 4 | 7 | 1 | | | | | 1 | | | |
| Assault | 4 | 3 | 1 | | | | | | | 3 | | | |
| Assault with weapon | 35 | 15 | 11 | 1 | 8 | | | 1 | | 14 | | | |
| Assault and battery | 27 | 17 | 6 | 4 | | | | | | 17 | | | |
| Assault & battery with weapon | 70 | 42 | 15 | 12 | | | | 3 | | 17 | | | |
| Assault, intent to murder | 8 | | 4 | 3 | 1 | | | | 1 | 38 | | | |
| Bastardy | 1 | 1 | | | | | | | | 1 | | | |
| Concealed weapons | 31 | 8 | 14 | 7 | 2 | | | 1 | | 7 | | | |
| Conspiracy | 1 | | | 1 | | | | | | | | | |
| Cruelty to animals | 2 | | 2 | | | | | | | | | | |
| Decoying off child | 1 | | | 1 | | | | | | | | | |
| Defacing public building | 4 | 1 | 2 | 1 | | | | | | 1 | | | |
| Defamation | 8 | 2 | 3 | 1 | 2 | | | | | 2 | | | |
| Destroying fence maliciously | 1 | | | 1 | | | | | | | | | |
| Disposing property under lien | 2 | | 1 | 1 | | | | | | | | | |
| Disturbing religious worship | 7 | 3 | 1 | 3 | | | | | | 3 | | | |
| Disturbing women public place | 2 | | 1 | 1 | | | | | | | | | |
| Embezzlement | 4 | | 4 | | | | | | | | | | |
| Enticing away servant | 2 | | | 2 | | | | | | | | | |
| Enticing minor to leave parents | 1 | | 1 | | | | | | | | | | |
| False pretense | 4 | 1 | 2 | | 1 | | | | | 1 | | | |
| Failure to keep drinking water on train | 2 | | 2 | | | | | | | | | | |
| Forgery, second degree | 20 | 14 | 2 | 2 | 2 | | | | | 14 | | | |
| Indecent exposure of person | 1 | | 1 | | | | | | | | | | |
| Justice of Peace collecting illegal fees | 1 | | 1 | | | | | | | | | | |

CITY COURT OF BESSEMER—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Insane Asylum | Pardoned | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | | | |
| Keeping house of prostituton | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Larceny, grand | 11 | --- | 5 | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | --- |
| Larceny, petit | 6 | 1 | 4 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, from person | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Malicious mischief | 8 | 2 | 4 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- | --- |
| Maintaining public nuisance | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Manslaughter, first deg. | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Obstructing public road | 2 | --- | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Peddling without licens | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Perjury | 3 | --- | 3 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Permitting sheep killing dog to run at large | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Permitting minor to play pool | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Practicing medicine with license | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Presenting gun | 13 | 3 | 8 | 2 | --- | --- | --- | --- | --- | 3 | --- | --- | --- |
| Preventing engaging in peaceful work | 6 | 1 | 1 | 3 | 1 | --- | --- | 1 | --- | --- | --- | --- | --- |
| Public drunkenness | 4 | 2 | --- | 1 | 1 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Resisting officer | 3 | 1 | 1 | --- | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Robbery | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Selling diseased meats | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Selling liquor to minor | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 4 | 2 | 1 | --- | 1 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Temporary use of animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Soliciting orders, prohibitive district | 5 | --- | --- | 5 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 24 | 2 | 12 | 6 | 4 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Vagrancy | 29 | 18 | 3 | 5 | 3 | --- | --- | --- | --- | 18 | --- | --- | --- |
| Violating revenue law | 25 | 8 | 9 | 7 | 1 | --- | --- | --- | --- | 8 | --- | --- | --- |
| Violating Sunday law | 10 | 6 | 2 | 1 | 1 | --- | --- | --- | --- | 6 | --- | --- | --- |
| Total | 516 | 201 | 107 | 99 | 39 | --- | --- | 11 | 1 | 188 | --- | --- | 1 |

Percentage of convictions in cases disposed of, 39.
Predominant crime, Abusive language.

## CITY COURT OF MOBILE.

Hon. J. H. Webb, Solicitor, Mobile, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Abduction | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Abusive language | 23 | 21 | --- | 1 | 1 | --- | --- | 6 | 7 | 8 |
| Adultery and fornication | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Affray | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 | --- |
| Aiding prisoner to escape | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault and battery | 128 | 106 | 12 | 9 | 1 | --- | --- | 47 | 32 | 27 |
| Assault, intent to murder | 30 | 27 | 2 | --- | 1 | --- | 11 | 16 | --- | --- |
| Attempt at burglary | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Attempt at poison | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Burglary | 47 | 35 | 9 | 3 | --- | --- | 18 | 17 | --- | --- |
| Carnal knowledge, girl over 10 | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Concealed weapons | 27 | 23 | 2 | 1 | 1 | --- | 6 | 12 | 2 | 9 |
| Defamation | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Embezzlement | 2 | 2 | --- | --- | --- | --- | 1 | 1 | --- | --- |
| False pretenses | 4 | 2 | --- | 2 | --- | --- | 1 | 1 | --- | --- |
| Forgery, second degree | 6 | 3 | 1 | 2 | --- | --- | --- | 3 | --- | --- |
| Gaming | 12 | 8 | 1 | 1 | 2 | --- | --- | 1 | 6 | 1 |
| Keeping gaming table | 9 | 5 | --- | 4 | --- | --- | --- | --- | 5 | --- |
| Larceny, grand | 87 | 67 | 15 | 4 | 1 | --- | 26 | 39 | 2 | --- |
| Larceny, petit | 41 | *36 | 3 | 2 | --- | --- | --- | 18 | 14 | 1 |
| Libel | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Malicious mischief | 2 | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- |
| Manslaughter, first degree | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Manslaughter, second degree | 3 | 3 | --- | --- | --- | --- | 1 | 1 | --- | 1 |
| Miscegenation | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 8 | 6 | 1 | 2 | --- | 1 | 5 | --- | --- | --- |
| Murder, second degree | 9 | 9 | --- | --- | --- | --- | 9 | --- | --- | --- |
| Perjury | 9 | 7 | 2 | --- | --- | --- | --- | 7 | --- | --- |
| Permitting gaming on premises | 3 | 1 | 2 | --- | --- | --- | --- | --- | --- | 1 |
| Persenting gun | 3 | 2 | 1 | --- | --- | --- | --- | 1 | 1 | --- |
| Rape | 4 | 3 | --- | --- | 1 | --- | 3 | --- | --- | --- |
| Resisting process | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Robbery | 12 | 6 | 4 | 1 | 1 | --- | 6 | --- | --- | --- |
| Selling mortgaged property | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Sending threatening letter | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |

Larceny, petit—whipped out, 3. (Under special statute for Mobile County, Acts 1898-9, p. 488.)

CITY COURT OF MOBILE—*Continued.*

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Temporary use of animal | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Throwing at railroad train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Trespass after warning | 8 | 4 | 2 | 2 | --- | --- | --- | 1 | --- | 3 |
| Vagrancy | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating prohibitory law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating revenue law | 4 | 3 | --- | 1 | --- | --- | --- | --- | --- | 3 |
| Violating Sunday law | 8 | 7 | --- | 1 | --- | --- | --- | --- | 2 | 5 |
| Total | 516 | 397 | 66 | 44 | 9 | 1 | 84 | 173 | 75 | 6 |

Percentage of convictions in cases disposed of, 77.
Predominant crime, assault and battery.

## CITY COURT OF MONTGOMERY.

Hon. S. H. Dent, Jr., Solicitor, Montgomery, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Insane Asylum | Pardoned | Industrial School |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | | | |
| Abusive language | 4 | --- | 4 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Adultery & fornication | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Affray | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Arson, first degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault and battery | 50 | 36 | 7 | 7 | --- | --- | --- | 17 | --- | 18 | 1 | --- | --- |
| Assault,intent to murder | 95 | 54 | 24 | 14 | 3 | --- | 19 | 17 | --- | 18 | --- | --- | --- |
| Assault, intent to ravish | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Assault, intent to rob | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bastardy | 2 | --- | --- | --- | 2 | --- | --- | --- | --- | --- | --- | --- | --- |
| Bigamy | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Burglary | 37 | 33 | 1 | 3 | 1 | --- | 26 | 7 | --- | --- | --- | --- | --- |
| Burglary in railroad car | 7 | 7 | --- | --- | --- | --- | 5 | 2 | --- | --- | --- | --- | --- |
| Burglary and grand larceny | 11 | 8 | 1 | 1 | 1 | --- | 3 | 5 | --- | --- | --- | 1 | --- |
| Cock fighting | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 59 | 44 | 4 | 10 | 1 | --- | --- | 33 | --- | 11 | --- | --- | --- |
| Crime against nature | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Cruelty to animals | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Defaulting road hand | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 6 | 1 | 2 | 3 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Disturbing religious worship | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Embezzlement | 10 | 3 | 4 | 3 | --- | --- | 1 | 2 | --- | --- | --- | --- | --- |
| Embezzlement & larceny | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Escape | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| False pretenses | 13 | 5 | 2 | 5 | 1 | --- | --- | 1 | --- | 4 | --- | --- | --- |
| Forgery, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Forgery, second degree | 11 | 7 | 2 | 2 | --- | --- | 7 | --- | --- | --- | --- | --- | --- |
| Fraudulent conveyance | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Gaming | 45 | 11 | 8 | 26 | --- | --- | --- | 4 | --- | 7 | --- | --- | --- |
| Keeping disorderly house | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Keeping gaming table | 6 | 1 | --- | 5 | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Larceny, grand | 140 | 103 | 14 | 20 | 3 | --- | 79 | 18 | --- | 5 | --- | --- | 1 |
| Larceny, petit | 44 | 26 | 4 | 12 | 2 | --- | --- | 11 | 1 | 14 | --- | --- | --- |
| Malicious mischief | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Manslaughter 1st degree | 3 | 2 | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- | --- |

CITY COURT OF MONTGOMERY—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Insane Asylum | Pardoned | Industrial School |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | | | |
| Manslaughter, second degree | 4 | 3 | 1 | --- | --- | --- | --- | 1 | --- | 2 | --- | --- | --- |
| Miscegenation | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 31 | 16 | 8 | 2 | 5 | 3 | 13 | --- | --- | --- | --- | --- | --- |
| Murder, second degree | 10 | 5 | 5 | --- | --- | --- | 5 | --- | --- | --- | --- | --- | --- |
| Night-walking | 11 | 6 | 2 | 2 | 1 | --- | --- | 4 | --- | 2 | --- | --- | --- |
| Obstructinb public road | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Presenting gun | 8 | 7 | --- | 1 | --- | --- | --- | 4 | --- | 2 | --- | --- | --- |
| Railroad swith, tampering with | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Rape | 2 | 2 | --- | --- | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Receiving stolen property | 7 | 2 | 3 | 1 | 1 | --- | --- | 1 | --- | 1 | --- | --- | --- |
| Receiving mortgaged property | 4 | 2 | 1 | 1 | --- | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Removing mortgaged property | 3 | 2 | 1 | --- | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Resisting officer | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Rocking train | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Robbery | 11 | 8 | 1 | 1 | 1 | --- | 8 | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Slot machine, running | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Unlawfully riding on train | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Vagrancy | 5 | 3 | --- | --- | --- | --- | --- | 3 | --- | 2 | --- | --- | --- |
| Violating prohibitory law | 5 | 4 | --- | 1 | --- | --- | --- | --- | --- | 4 | --- | --- | --- |
| Violating revenue law | 28 | 19 | --- | 7 | 2 | --- | --- | --- | --- | 19 | --- | --- | --- |
| Violating Sunday law | 11 | 9 | --- | 2 | --- | --- | --- | --- | --- | 9 | --- | --- | --- |
| Violating sunrise and sunset law | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Violating written contract | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Wheel of fortune, running | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Total | 724 | 442 | 110 | 148 | 24 | 3 | 174 | 139 | 1 | 127 | 1 | 1 | 1 |

Percentage of convictions in cases disposed of, 61.
Predominant crime, Grand larceny.

## CITY COURT OF SELMA.

Hon. W. W. Quarles, Solicitor, Selma, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Allowing dog to run at large | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault and battery with weapon | 4 | 3 | --- | 1 | --- | --- | --- | 1 | --- | 2 |
| Burglary | 3 | 2 | --- | 1 | --- | --- | 1 | 1 | --- | --- |
| Concealed weapons | 4 | 3 | --- | 1 | --- | --- | --- | 2 | --- | 1 |
| Larceny, grand | 2 | 2 | --- | --- | --- | --- | --- | 1 | 1 | --- |
| Manslaughter, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Murder, first degree | 5 | 3 | 2 | --- | --- | 2 | 1 | --- | --- | --- |
| Murder, second degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Removing mortgaged property | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Violating prohibitory law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 23 | 16 | 2 | 4 | 1 | 2 | 4 | 5 | 1 | 4 |

Percentage of convictions in cases disposed of, 70.
Predominant crime, Murder first degree.
Two reports received,—January and June terms, 1904.

## CITY COURT OF TALLADEGA.

Hon. Alex. M. Garber, Solicitor, Talladega, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 27 | 20 | --- | 7 | --- | --- | --- | 3 | --- | 17 |
| Adultery and fornication | 7 | 2 | 1 | 4 | --- | --- | --- | 1 | --- | 1 |
| Affray | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault with weapon | 35 | 20 | 5 | 10 | --- | --- | --- | 8 | --- | 12 |
| Assault and battery | 13 | 8 | 2 | 2 | 1 | --- | --- | --- | --- | 8 |
| Assault and battery with weapon | 34 | 27 | --- | 7 | --- | --- | --- | 3 | --- | 24 |
| Assault, intent to murder | 15 | 8 | 4 | 3 | --- | --- | 8 | --- | --- | --- |
| Assault, intent to ravish | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Attempt to assault | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary | 6 | 5 | --- | 1 | --- | --- | 5 | --- | --- | --- |
| Burglary and grand larceny | 5 | 5 | --- | --- | --- | --- | 5 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Carrying on lottery | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 46 | 38 | 1 | 7 | --- | --- | --- | 13 | --- | 25 |
| Disposing property under lien | 4 | --- | 1 | 3 | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Disturbing women, public assembly | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Embezzlement | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Failure to report infectious disease | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 5 | 3 | --- | 2 | --- | --- | 1 | 1 | --- | 1 |
| Forgery, second degree | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- |
| Gaming | 8 | 6 | --- | 1 | 1 | --- | --- | 1 | --- | 5 |
| Larceny, grand | 19 | 16 | 2 | 1 | --- | --- | 13 | 3 | --- | --- |
| Larceny, petit | 13 | 11 | 1 | 1 | --- | --- | --- | 2 | *4 | 9 |
| Malicious mischief | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Manslaughter, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Manslaughter second degree | 2 | 2 | --- | --- | --- | --- | --- | 1 | *1 | 1 |
| Murder, second degree | 5 | 5 | --- | --- | --- | --- | 5 | --- | --- | --- |
| Perjury | 2 | --- | --- | --- | 2 | --- | --- | --- | --- | --- |
| Public drunkenness | 14 | 9 | --- | 5 | --- | --- | --- | 3 | --- | 6 |
| Rape | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Receiving stolen property | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Resisting officer | 4 | 3 | --- | 1 | --- | --- | --- | 1 | --- | 2 |
| Robbery | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Seduction | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Selling mortgaged property | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Sending threatening letter | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |

CITY COURT OF TALLADEGA—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Shooting across public road | 9 | 5 | --- | 4 | --- | --- | --- | 2 | --- | 3 |
| Taking girl under, 14 prostitution | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 8 | 6 | --- | 2 | --- | --- | --- | 4 | --- | 2 |
| Vagrancy | 7 | 3 | 1 | 3 | --- | --- | --- | 2 | --- | 1 |
| Using explosives to catch fish | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating contract with surety, confessed judgment | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Violating revenue law | 16 | 11 | 1 | 4 | --- | --- | --- | --- | --- | 11 |
| Violating Sunday law | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Total | 335 | 236 | 20 | 77 | 2 | --- | 46 | 51 | 5 | 139 |

Percentage of convictions in cases disposed of, 70.
Predominant crime, Concealed weapons.
*Fined and sentenced to jail.

## CRIMINAL COURT OF JEFFERSON.

Hon. Harrington P. Heflin, Solicitor, Birmingham, Ala.

(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to Death | Penitentiary | Hard labor | Jail | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| Abandonment | 9 | 1 | 2 | 6 | --- | --- | --- | 1 | --- | --- |
| Abduction | 5 | --- | --- | 3 | 2 | --- | --- | --- | --- | --- |
| Abusive language | 247 | 87 | 59 | 83 | 18 | --- | --- | 27 | 7 | 53 |
| Adultery and fornication | 27 | 6 | 5 | 16 | --- | --- | --- | 4 | 1 | 1 |
| Affray | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Aiding prisoner to escape | 11 | --- | 6 | 5 | --- | --- | --- | --- | --- | --- |
| Appeals, Mayor and Aldermen Birmingham | 103 | 24 | 20 | 57 | 2 | --- | --- | --- | --- | 24 |
| Appeals, Mayor and Council Ensley | 11 | 7 | 1 | 3 | --- | --- | --- | --- | --- | 7 |
| Appeals, Mayor and Council East Lake | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Appeals, Mayor and Council Pinkney City | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Appeals, Mayor and Council Wylam | 5 | --- | 3 | 2 | --- | --- | --- | --- | --- | --- |
| Appeals, Police court, Birmingham | 61 | 10 | 19 | 32 | --- | --- | --- | --- | --- | 10 |
| Arson, first degree | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Assault | 4 | 1 | 3 | --- | --- | --- | --- | 1 | --- | --- |
| Assault and battery | 128 | 45 | 26 | 47 | 10 | --- | --- | 12 | 2 | 31 |
| Assault and battery with weapon | 247 | 132 | 50 | 56 | 9 | --- | --- | 71 | 7 | 54 |
| Assault, intent to murder | 91 | 25 | 22 | 36 | 8 | --- | 17 | 8 | --- | --- |
| Assault, intent to ravish | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Assault, intent to rob | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Attempt at burglary | 8 | 7 | 1 | --- | --- | --- | --- | 7 | --- | --- |
| Attempt at larceny | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Bastardy | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Betting with minor | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Bigamy | 3 | 1 | --- | 1 | 1 | --- | --- | 1 | --- | --- |
| Burglary | 17 | 10 | 1 | 5 | 1 | --- | 8 | 8 | --- | --- |
| Burglary and grand larceny | 104 | 65 | 13 | 21 | 5 | --- | 33 | 32 | --- | --- |
| Carnal knowledge, girl over 10 | 7 | 2 | 1 | 2 | 2 | --- | 1 | 1 | --- | --- |
| Concealed weapons | 118 | 43 | 25 | 44 | 6 | --- | --- | 32 | 1 | 10 |
| Conjuring | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Conspiracy | 3 | --- | 2 | --- | 1 | --- | --- | --- | --- | --- |
| Counterfeiting | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Crime against nature | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |

CRIMINAL COURT OF JEFFERSON—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Cruelty to animals | 4 | 1 | --- | 1 | 2 | --- | --- | --- | --- | 1 |
| Decoying child | 4 | --- | 2 | 2 | --- | --- | --- | --- | --- | --- |
| Defacing public building | 4 | 1 | 3 | --- | --- | --- | --- | --- | 1 | --- |
| Defamation | 24 | 2 | 9 | 6 | 7 | --- | --- | 1 | --- | 1 |
| Defaulting witness | 3 | 3 | --- | --- | --- | --- | --- | --- | 1 | 2 |
| Destroying fence | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Disposing property under lien | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 7 | --- | 5 | --- | 2 | --- | --- | --- | --- | --- |
| Disturbing females | 13 | 8 | 3 | 2 | --- | --- | --- | 1 | --- | 7 |
| Dynamiting river | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Embezzlement | 33 | 10 | 6 | 16 | 1 | --- | 4 | 5 | 1 | --- |
| Escape | 5 | 4 | --- | 1 | --- | --- | --- | 3 | --- | 1 |
| Failing to stop at railroad crossing | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| False pretense | 32 | 7 | 3 | 18 | 4 | --- | 1 | 4 | 2 | --- |
| Forcible marriage | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Forgery, second degree | 21 | 7 | 2 | 11 | 1 | --- | 4 | 3 | --- | --- |
| Fraudulent conveyance | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Gaming | 99 | 57 | 22 | 19 | 1 | --- | --- | 27 | --- | 30 |
| Impeachment proceedings | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Incest | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Indecent exposure of person | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Interfering with labor | 4 | --- | 1 | 3 | --- | --- | --- | --- | --- | --- |
| Keeping gaming table | 10 | 2 | 4 | 4 | --- | --- | --- | 2 | --- | --- |
| Larceny, grand | 190 | 109 | 32 | 31 | 18 | --- | 42 | 67 | --- | --- |
| Larceny, petit | 57 | 25 | 10 | 16 | 6 | --- | --- | 18 | 7 | *2 |
| Libel | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Malicious mischief | 8 | --- | 3 | 4 | 1 | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 6 | 5 | --- | --- | 1 | --- | 5 | --- | --- | --- |
| Manslaughter, second degree | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Murder, first degreee | 35 | 11 | 14 | 7 | 3 | 8 | 3 | --- | --- | --- |
| Murdr, second degree | 9 | 8 | --- | 1 | --- | --- | 8 | --- | --- | --- |
| Negligent escape | 3 | --- | 1 | 1 | 1 | --- | --- | --- | --- | --- |
| Perjury | 7 | 1 | 2 | 3 | 1 | --- | --- | 1 | --- | --- |
| Pool selling | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Practicing dentistry without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Practicing medicine without license | 4 | 1 | 1 | 2 | --- | --- | --- | --- | --- | 1 |
| Presenting gun | 15 | 4 | 3 | 6 | 2 | --- | --- | 2 | --- | 2 |
| Prize fighting | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 9 | 4 | 1 | 2 | 2 | --- | --- | 3 | --- | 1 |
| Rape | 3 | --- | 1 | 2 | --- | --- | --- | --- | --- | --- |

CRIMINAL COURT OF JEFFERSON—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | Number of sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Receiving stolen property | 30 | 8 | 2 | 20 | --- | --- | 2 | 3 | 3 | *1 |
| Removing mortgaged property | 3 | 1 | 1 | 1 | --- | --- | --- | 1 | --- | --- |
| Resisting process | 6 | 4 | --- | 2 | --- | --- | --- | --- | 4 | --- |
| Retarding justice | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Robbery | 30 | 5 | 9 | 15 | 1 | 1 | 4 | --- | --- | --- |
| Seduction | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Selling liquor to minor | 4 | --- | --- | 4 | --- | --- | --- | --- | --- | --- |
| Selling poison without label | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Selling whiskey to person of known intemperate habits | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Sending threatening letter | 4 | --- | 1 | 3 | --- | --- | --- | --- | --- | --- |
| Severing from freehold | 6 | 1 | 5 | --- | --- | --- | --- | 1 | --- | --- |
| Shooting into railroad train | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Tak'g prop'y without process of law | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Throwing into railroad train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Train wrecking | 3 | --- | 2 | 1 | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 36 | 4 | 14 | 10 | 8 | --- | --- | --- | 1 | 3 |
| Unlawfully riding train | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Vagrancy | 154 | 78 | 35 | 34 | 7 | --- | --- | 51 | 2 | 25 |
| Violating garnishment law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating prohibitory law | 6 | --- | 5 | 1 | --- | --- | --- | --- | --- | --- |
| Violating revenue law | 93 | 30 | 19 | 35 | 9 | --- | --- | 12 | --- | 18 |
| Violating Sunday law | 103 | 64 | 7 | 32 | --- | --- | --- | 24 | 1 | 39 |
| Wanton mischief | 17 | 5 | 5 | 4 | 3 | --- | --- | --- | --- | 5 |
| Total | 2366 | 954 | 500 | 764 | 148 | 9 | 134 | 432 | 41 | 341 |

Percentage of convictions in cases disposed of, 40.

Predominant crimes, Abusive language and assault and battery with weapon.

*Fine in addition to jail sentence.

Costs paid in 145 cases on nol pros.

## LAW COURT OF PIKE COUNTY.

Hon. E. R. Brannen, Solicitor, Troy, Ala.
(Two years ending Sept. 30, 1904.)

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | Number of sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Abusive language | 23 | 16 | 3 | 3 | 1 | --- | --- | 3 | --- | 13 |
| Adultery and fornication | 16 | 4 | 4 | 8 | --- | --- | --- | 3 | --- | 1 |
| Affray | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault and battery | 37 | 24 | 8 | 4 | 1 | --- | --- | 2 | --- | 22 |
| Breaking fence | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Bringing stolen property into state | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 38 | 31 | 2 | 3 | 2 | --- | --- | 12 | --- | 19 |
| Defacing public building | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defaulting road hand | 4 | --- | 2 | 2 | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 3 | --- | 1 | 1 | 1 | --- | --- | --- | --- | --- |
| Disturbing women | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Escape | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Embezzlement | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Enticing away servant | 4 | --- | 1 | 1 | 2 | --- | --- | --- | --- | --- |
| False pretense | 18 | 9 | 2 | 5 | 1 | --- | --- | --- | --- | 9 |
| Fraud to obtain money by labor contract | 5 | 3 | 1 | 1 | --- | --- | --- | --- | --- | 3 |
| Gaming | 3 | 1 | --- | 2 | --- | --- | --- | 1 | --- | --- |
| Gaming on Sunday | 20 | 8 | 4 | 7 | 1 | --- | --- | 1 | --- | 7 |
| Gaming in public place | 3 | --- | 1 | 2 | --- | --- | --- | --- | --- | --- |
| Larceny, petit | 22 | 13 | 1 | 4 | 4 | --- | --- | 6 | --- | *10 |
| Malicious mischief | 3 | 1 | --- | --- | 2 | --- | --- | --- | --- | 1 |
| Playing cards, public place | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Playing cards on Sunday | 6 | 3 | 1 | 1 | 1 | --- | --- | --- | --- | 3 |
| Practicing medicine without license | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Presenting gun | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 4 | 1 | 1 | 2 | --- | --- | --- | --- | --- | 1 |
| Removing property under lien | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Retailing | 6 | 2 | 2 | 1 | 1 | --- | --- | --- | --- | 2 |
| Rocking train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Selling mortgaged property | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Shooting across public road | 3 | 2 | --- | --- | 1 | --- | --- | --- | --- | 2 |
| Trespass after warning | 7 | 2 | 2 | 3 | --- | --- | --- | --- | --- | 2 |
| Trespass by cutting timber | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Unlawfully riding train | 11 | 8 | 2 | 1 | --- | --- | --- | 3 | --- | 5 |
| Vagrancy | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating contract with surety, confessed judgment | 10 | 9 | --- | --- | 1 | --- | --- | 7 | --- | 2 |
| Total | 269 | 149 | 41 | 57 | 21 | 1 | --- | 39 | --- | 113 |

Percentage of convictions in cases disposed of, 55.
Predominant crime, concealed weapons.
*Fine and hard labor in same cases.

## WALKER COUNTY LAW AND EQUITY.

Hon. James J. Ray, Solicitor, Jasper, Ala.

(Only one report, June Term, 1902.)

(The act establishing this court was repealed March 6, 1903, and the repealing act was afterwards declared unconstitutional.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 27 | 13 | 2 | 12 | --- | --- | --- | 4 | --- | 9 |
| Adultery and fornication | 16 | 2 | 3 | 9 | 2 | --- | --- | 1 | --- | 1 |
| Assault | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- |
| Assault with weapon | 13 | 9 | --- | 3 | 1 | --- | --- | 3 | --- | 6 |
| Assault and battery | 11 | 4 | --- | 4 | 3 | --- | --- | 1 | --- | 3 |
| Assault and battery with weapon | 16 | 9 | 2 | 5 | --- | --- | --- | 3 | --- | 6 |
| Assault, intent to murder | 4 | --- | 1 | 3 | --- | --- | --- | --- | --- | --- |
| Burglary | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Concealed weapons | 20 | 6 | 5 | 6 | 3 | --- | --- | 1 | --- | 5 |
| Conspiracy | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Cutting boat loose | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defamation | 4 | --- | 1 | 2 | 1 | --- | --- | --- | --- | --- |
| Defaulting road hand | 43 | 6 | 15 | 21 | 1 | --- | --- | --- | --- | 6 |
| Disturbing religious worship | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Embezzlement | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Escape | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Forgery, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Gaming | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Indecent exposure of person | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Injuring public property | 7 | 2 | 2 | 2 | 1 | --- | --- | --- | --- | 2 |
| Larceny, grand | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Larceny, petit | 9 | 7 | --- | 1 | 1 | --- | --- | 2 | --- | 5 |
| Manslaughter, first degree | 3 | 2 | --- | 1 | --- | --- | 1 | 1 | --- | --- |
| Murder, first degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Presenting gun | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Public drunkenness | 6 | 2 | 1 | 2 | 1 | --- | --- | --- | --- | 2 |
| Rape | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Selling mortgaged property | 3 | --- | 1 | 1 | 1 | --- | --- | --- | --- | --- |
| Trespass after warning | 5 | 2 | 1 | 2 | --- | --- | --- | --- | --- | 2 |
| Violating revenue law | 8 | 2 | 1 | 2 | 3 | --- | --- | --- | --- | 2 |
| Violating stock laaw | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Total | 216 | 75 | 42 | 80 | 19 | --- | 4 | 18 | --- | 55 |

Percentage of convictions in cases disposed of, 35.
Predominant crime, Defaulting road hand.

# GENERAL STATEMENT

SHOWING CHARACTER AND RESULTS OF PROSECUTIONS IN THE ENTIRE STATE FOR TWO YEARS ENDING SEPT. 30, 1906

## GENERAL STATEMENT.

Showing Character and Results of Prosecutions in the Entire State for Two Years Ending September 30, 1906.

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to: Death | Penitentiary | Hard Labor | Jail | Fines Paid or Secured | Debt and costs paid | Escapes | Fines remitted | Forfeiture of bond | Insane Asylum | Pardoned | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abandonment | 7 | 4 | | 2 | 1 | | | | | 4 | | | | | | | |
| Abduction | 1 | | | 1 | | | | | | | | | | | | | |
| Abusive language | 1146 | 617 | 191 | 275 | 63 | | | 68 | 29 | 522 | | | | | | | |
| Adultery and fornication | 101 | 54 | 19 | 25 | 3 | | | 10 | 1 | 43 | | | | | | | |
| Affray | 72 | 51 | 9 | 12 | | | | 4 | | 47 | | | | | | | |
| Aiding prisoner to escape | 11 | 3 | 1 | 7 | | | 2 | | | 1 | | | | | | | |
| Allowing sheep-killing dog to run at large | 2 | 1 | | 1 | | | | | | 1 | | | | | | | |
| Allowing stock to run at large | 1 | | 1 | | | | | | | | | | | | | | |
| Appeals, Justice courts | 1 | | | | 1 | | | | | | | | | | | | |
| Appeals, Mayor and Aldermen, Birmingham | 240 | 76 | 80 | 69 | 15 | | | 8 | | 68 | | | | | | | |
| Appeals, Mayor and Aldermen, Adamsville | 8 | 1 | 1 | 6 | | | | | | 1 | | | | | | | |
| Appeals, Mayor and Council, Ensley | 34 | 15 | 6 | 10 | 3 | | | | | 15 | | | | | | | |
| Appeals, Mayor and Council, Brighton | 1 | 1 | | | | | | | | 1 | | | | | | | |
| Appeals, Mayor and Council, East Lake | 1 | | | 1 | | | | | | | | | | | | | |
| Appeals, Mayor and Council, Jasper | 10 | | | | 10 | | | | | | | | | | | | |
| Appeals, Mayor and Council, Pratt City | 26 | 8 | 4 | 14 | | | | 1 | | 7 | | | | | | | |
| Appeals, Mayor and Council, Wylam | 7 | 2 | 5 | | | | | | 2 | | | | | | | | |
| Arson, first degree | 20 | 10 | 7 | 3 | | | 10 | | | | | | | | | | |
| Arson, second degree | 17 | 4 | 10 | 3 | | | 3 | 1 | | | | | | | | | |
| Arson, third degree | 6 | 4 | | | 2 | | 2 | 2 | | | | | | | | | |
| Assault | 82 | 57 | 11 | 9 | 5 | | | 2 | | 55 | | | | | | | |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Assault and battery | 1046 | 670 | 137 | 189 | 50 | | | 108 | 4 | 656 | | | | | | | |
| Assault and battery with weapon | 1197 | 780 | 156 | 184 | 77 | | | 212 | 16 | 552 | | | | | | | |
| Assault with weapon | 73 | 61 | 7 | 5 | | | | 14 | | 47 | | | | | | | |
| Assault with intent to murder | 449 | 228 | 88 | 99 | 34 | | 155 | 59 | 1 | 13 | | | | | | | |
| Assault with intent to ravish | 32 | 17 | 8 | 5 | 2 | | 16 | 1 | | | | | | | | | |
| Assault with intent to rob | 6 | 3 | 2 | 1 | | | 3 | | | | | | | | | | |
| Attempt at arson | 2 | | | 2 | | | | | | | | | | | | | |
| Attempt at burglary | 1 | 1 | | | | | | 1 | | | | | | | | | |
| Attempt at sodomy | 2 | 2 | | | | | | 2 | | | | | | | | | |
| Attempt to commit felony | 2 | 2 | | | | | | | | 2 | | | | | | | |
| Attempt to escape | 6 | 4 | 1 | 1 | | | | 4 | | | | | | | | | |
| Bastardy | 19 | 11 | 2 | 6 | | | | 2 | 1 | 8 | | | | | | | |
| Betting in public places | 4 | 1 | | 3 | | | | 1 | | | | | | | | | |
| Bigamy | 28 | 16 | 2 | 10 | | | 14 | 2 | | | | | | | | | |
| Breaking fence | 3 | 1 | 1 | 1 | | | | | | 1 | | | | | | | |
| Bringing stolen property into the State | 5 | 4 | 1 | | | | 2 | 1 | | 1 | | | | | | | |
| Burglary | 347 | 252 | 37 | 47 | 11 | | 201 | 49 | | | | | | | | | 2 |
| Burglary and grand larceny | 167 | 118 | 16 | 23 | 10 | | 50 | 67 | | | | | | | | | 1 |
| Burglary from railroad car | 1 | 1 | | | | | 1 | | | | | | | | | | |
| Burglary and grand larceny from railroad car | 4 | 4 | | | | | 4 | | | | | | | | | | |
| Burglary, G. L. and R. S. G. | 12 | 9 | | 3 | | | 5 | 4 | | | | | | | | | |
| Burning insured property | 1 | 1 | | | | | | 1 | | | | | | | | | |
| Burning pine forest | 1 | 1 | | | | | | | | 1 | | | | | | | |
| Carnal knowledge, girl over 10 | 3 | 3 | | | | | | 1 | | 2 | | | | | | | |
| Carnal knowledge, girl under 10 | 12 | 5 | 4 | 1 | 2 | | 5 | | | | | | | | | | |
| Compounding felony | 1 | | 1 | | | | | | | | | | | | | | |
| Concealed weapons | 1138 | 698 | 154 | 231 | 55 | | | 164 | 11 | 523 | | | | | | | |
| Concealing stolen property | 3 | 1 | 1 | | 1 | | | | | 1 | | | | | | | |
| Contempt | 2 | 2 | | | | | | | | 2 | | | | | | | |
| Conspiracy | 13 | 7 | 2 | | 4 | | | | | 7 | | | | | | | |
| Contract, taking property under, void | 1 | | 1 | | | | | | | | | | | | | | |
| County Commissioners, failure to do jail duty | 3 | | | 3 | | | | | | | | | | | | | |
| Crime against nature | 9 | 7 | | 2 | | | 6 | 1 | | | | | | | | | |
| Cruelty to animals | 27 | 16 | 7 | 2 | 2 | | | | | 16 | | | | | | | |
| Decoying child | 11 | 1 | 2 | 6 | 2 | | | 1 | | | | | | | | | |
| Defacing public building | 9 | 2 | 5 | 2 | | | | | | 2 | | | | | | | |
| Defamation | 65 | 12 | 16 | 26 | 11 | | | 2 | | 10 | | | | | | | |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines Paid or Secured | Debt and costs paid | Escapes | Fines remitted. | Forfeiture of bond | Insane Asylum | Pardoned | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | | | | | | | | |
| Defaulting road hand | 48 | 22 | 12 | 8 | 6 | | | | | 22 | | | | | | | |
| Defaulting road overseer | 10 | 2 | 3 | 5 | | | | | | 2 | | | | | | | |
| Defaulting witness | 3 | | | 3 | | | | | | | | | | | | | |
| Destroying fence | 4 | 3 | 1 | | | | | | | 3 | | | | | | | |
| Disbarment proceedings | 1 | | | 1 | | | | | | | | | | | | | |
| Disposing of property under lien | 25 | 10 | 2 | 12 | 1 | | 3 | | 1 | 7 | | | | | | | |
| Distilling | 4 | 2 | | 1 | 1 | | | 1 | | 1 | | | | | | | |
| Disturbing assembly | 10 | 7 | 3 | | | | | | | 7 | | | | | | | |
| Disturbing religious worship | 207 | 123 | 34 | 47 | 3 | | | 2 | | 121 | | | | | | | |
| Disturbing school | 8 | 4 | 1 | 3 | | | | | | 4 | | | | | | | |
| Disturbing females | 21 | 14 | 1 | 2 | 4 | | | 1 | | 13 | | | | | | | |
| Dueling | 1 | 1 | | | | | 1 | | | | | | | | | | |
| Embezzlement | 148 | 27 | 24 | 64 | 33 | | 6 | 17 | | 4 | | | | | | | |
| Enticing away laborer | 4 | 1 | | 3 | | | | | | 1 | | | | | | | |
| Escape | 13 | 6 | | 7 | | | 1 | 1 | | 4 | | | | | | | |
| Exchanging choking mule | 1 | | | 1 | | | | | | | | | | | | | |
| Extortion | 1 | 1 | | | | | | | | 1 | | | | | | | |
| Failure to keep drinking water on train | 1 | 1 | | | | | | | | 1 | | | | | | | |
| False pretense | 166 | 57 | 34 | 56 | 19 | | 3 | 12 | 4 | 38 | | | | | | | |
| Female clerks, failure of employer to provide | | | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| seats for | 4 | | 3 | 1 | | | | | | | | | | | | | | |
| Fire-arms, using in public place | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Forfeitures | 15 | 15 | | | | | | | | 15 | | | | | | | | |
| Forgery, first degree | 70 | 43 | 6 | 21 | | | 39 | 4 | | | | | | | | | | |
| Forgery, second degree | 68 | 36 | 7 | 20 | 5 | | 23 | 12 | | 1 | | | | | | | | |
| Forgery, third degree | 15 | 9 | 2 | 4 | | | | 3 | 1 | 6 | | | | | | | | |
| Fraudulent conveyance | 1 | | | | 1 | | | | | | | | | | | | | |
| Fugitive from justice | 1 | | | 1 | | | | | | | | | | | | | | |
| Gaming | 491 | 381 | 38 | 65 | 7 | | | 16 | 9 | 356 | | | | | | | | |
| Giving liquor on election day | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Incest | 12 | 2 | 6 | 3 | 1 | | 1 | 1 | | | | | | | | | | |
| Indecent exposure of person | 2 | 2 | | | | | | | | 2 | | | | | | | | |
| Injuring public property | 4 | 3 | | 1 | | | | | | 3 | | | | | | | | |
| Injuring railroad property | 3 | 3 | | | | | | | | 3 | | | | | | | | |
| Injuring telephone line | 12 | 12 | | | | | | | | 12 | | | | | | | | |
| Jumping on or off moving train | 2 | 2 | | | | | | 1 | | 1 | | | | | | | | |
| Intimidation | 17 | | 2 | 2 | 13 | | | | | | | | | | | | | |
| Keeping gaming table | 6 | | 3 | 3 | | | | | | | | | | | | | | |
| Keeping bawdy house | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Kidnapping | 2 | | | 1 | 1 | | | | | | | | | | | | | |
| Larceny, grand | 856 | 573 | 101 | 136 | 46 | | 330 | 240 | | 3 | | | | | | | | |
| Larceny, grand, and receiving stolen goods | 5 | 3 | | 1 | 1 | | 3 | | | | | | | | | | | |
| Larceny, petit | 621 | 437 | 68 | 92 | 24 | | | 142 | 28 | 267 | | | | | | | | 2 |
| Larceny, petit from person | 1 | 1 | | | | | 1 | | | | | | | | | | | |
| Libel | 1 | | 1 | | | | | | | | | | | | | | | |
| Lottery | 3 | 2 | | | 1 | | | | | 2 | | | | | | | | |
| Malicious mischief | 38 | 13 | 11 | 11 | 3 | | | 1 | 1 | 11 | | | | | | | | |
| Manslaughter, first degree | 157 | 127 | 13 | 16 | 1 | | 92 | 30 | 2 | 3 | | | | | | | | |
| Manslaughter, second degree | 56 | 47 | 6 | 3 | | | 2 | 20 | 7 | 17 | | | | | | | | |
| Mahem | 6 | 1 | 1 | 1 | 3 | | 1 | | | | | | | | | | | |
| Miscegenation | 10 | 5 | 3 | 2 | | | 4 | 1 | | | | | | | | | | |
| Murder, first degree | 317 | 184 | 86 | 36 | 11 | 36 | 146 | 2 | | | | | | | | | | |
| Murder, second degree | 139 | 114 | 20 | 4 | 1 | | 114 | | | | | | | | | | | |
| Nuisance, common law | 2 | 2 | | | | | | | | 2 | | | | | | | | |
| Obstructing public road | 13 | 2 | 3 | 7 | 1 | | | | | 2 | | | | | | | | |
| Obstrusting railroad | 11 | 5 | | 6 | | | 5 | | | | | | | | | | | |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. of sentences to | | | | Fines Paid or Secured | Debt and costs paid | Escapes | Fines remitted | Forfeiture of bond | Insane Asylum | Pardoned | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | | | | | | | | |
| Obstructing stream | 1 | | 1 | | | | | | | | | | | | | | |
| Obtaining money, false pretense | 3 | 3 | | | | | 2 | | | 1 | | | | | | | |
| Overcharge on ferry | 1 | 1 | | | | | | | | 1 | | | | | | | |
| Peace proceedings | 2 | 1 | | 1 | | | | | | 1 | | | | | | | |
| Perjury | 32 | 5 | 11 | 9 | 7 | | 1 | 2 | | 2 | | | | | | | |
| Permitting convict to go at large | 1 | | | 1 | | | | | | | | | | | | | |
| Permitting gaming in public place | 1 | | 1 | | | | | | | | | | | | | | |
| Permitting minor to play pool | 8 | 5 | 1 | 2 | | | | | | 5 | | | | | | | |
| Playing cards in public place | 65 | 57 | 5 | 3 | | | | 1 | | 56 | | | | | | | |
| Posting obscene writing | 1 | 1 | | | | | | | | 1 | | | | | | | |
| Practicing dentistry without license | 3 | 1 | | 2 | | | | | | 1 | | | | | | | |
| Practicing medicine without license | 7 | 5 | 1 | 1 | | | | | | 5 | | | | | | | |
| Presenting gun | 114 | 48 | 26 | 34 | 6 | | | 6 | | 42 | | | | | | | |
| Prostitution | 1 | 1 | | | | | | | | 1 | | | | | | | |
| Public drunkenness | 460 | 347 | 39 | 67 | 7 | | | 8 | 1 | 338 | | | | | | | |
| Public profanity | 2 | | | 2 | | | | | | | | | | | | | |
| Racing on public road | 7 | 5 | 1 | 1 | | | | | | 5 | | | | | | | |
| Raffling | 3 | 1 | | 2 | | | | | | 1 | | | | | | | |
| Rape | 36 | 22 | 9 | 4 | 1 | | 21 | 1 | | | | | | | | | |
| Refusing to pay board | 1 | | | 1 | | | | | | | | | | | | | |
| Removing boat from mooring | 1 | | | 1 | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Removing boundary mark | 2 | 1 | 1 | | | | | | | 1 | | | | | | | | |
| Removing mortgaged property | 7 | | 3 | 4 | | | | | | | | | | | | | | |
| Removing property under lien | 23 | 9 | 4 | 9 | 1 | | | | | 9 | | | | | | | | |
| Resisting officer | 24 | 11 | 4 | 7 | 2 | | | 1 | | 10 | | | | | | | | |
| Retailing | 420 | 207 | 52 | 153 | 8 | | | 28 | 2 | 177 | | | | | | | | |
| Robbery | 58 | 27 | 13 | 17 | 1 | | 26 | 1 | | | | | | | | | | |
| Rocking train | 2 | 2 | | | | | | | | 2 | | | | | | | | |
| Search warrant | 1 | | | 1 | | | | | | | | | | | | | | |
| Seduction | 19 | 8 | 7 | 4 | | | 8 | | | | | | | | | | | |
| Selling choking mule | 6 | 3 | 1 | 1 | 1 | | | 1 | | 2 | | | | | | | | |
| Selling cigarettes to minor | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Selling liquor to minor | 55 | 27 | 7 | 21 | | | | | | 27 | | | | | | | | |
| Selling mortgaged property | 51 | 18 | 11 | 17 | 5 | | | 1 | | 16 | | | | | | | 1 | |
| Selling pistol to minor | 2 | 2 | | | | | | | | 2 | | | | | | | | |
| Sending threatening letter | 4 | 4 | | | | | | 1 | 1 | 2 | | | | | | | | |
| Sheriff, failure to perform jail duty | 1 | | | 1 | | | | | | | | | | | | | | |
| Shooting across public road | 100 | 73 | 6 | 19 | 2 | | | | | 73 | | | | | | | | |
| Slot machine, operating | 4 | 2 | | 1 | 1 | | | | | 2 | | | | | | | | |
| Sodomy | 1 | | | 1 | | | | | | | | | | | | | | |
| Streets, neglect of | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Taking orders, prohibiting district | 7 | 7 | | | | | | | | 7 | | | | | | | | |
| Temporary use of animal | 14 | 7 | 3 | 1 | 3 | | | 1 | | 6 | | | | | | | | |
| Throwing missle into railroad train | 4 | 3 | | 1 | | | 2 | | | 1 | | | | | | | | |
| Train wrecking | 2 | | 1 | 1 | | | | | | | | | | | | | | |
| Trespass after warning | 224 | 49 | 63 | 58 | 54 | | | 8 | 1 | 40 | | | | | | | | |
| Trespass by cutting timber | 1 | | 1 | | | | | | | | | | | | | | | |
| Unlawful assembly | 4 | 1 | 1 | | 2 | | | 1 | | | | | | | | | | |
| Unlawfully changing name | 18 | 7 | 4 | 5 | 2 | | | 7 | | | | | | | | | | |
| Unlawfully injuring animal | 34 | 16 | 4 | 12 | 2 | | | | | 16 | | | | | | | | |
| Unlawfully marking animal | 2 | 1 | | 1 | | | | | | 1 | | | | | | | | |
| Unlawfully riding train | 9 | 9 | | | | | | 2 | | 7 | | | | | | | | |
| Unlawfully signalling train | 1 | 1 | | | | | | 1 | | | | | | | | | | |
| Unlawfully applying brake on train | 1 | 1 | | | | | | | | 1 | | | | | | | | |
| Using explosives to catch fish | 4 | 2 | 1 | | 1 | | | | | 2 | | | | | | | | |
| Vagrancy | 276 | 97 | 45 | 103 | 31 | | | 51 | 5 | 41 | | | | | | | | |
| Violating automobile law | 2 | 1 | | 1 | | | | | | 1 | | | | | | | | |
| Violating boycott law | 4 | | | 3 | 1 | | | | | | | | | | | | | |

GENERAL STATEMENT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Debt and costs. | Escapes. | Fines remitted | Forfeiture. | Insane Asylum. | Pardoned. | Refgormatory. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | | | | | | | |
| Violating contract with surety confessed judg. | 29 | 20 | 2 | 2 | 5 | ---- | ---- | 8 | ---- | 12 | -- | -- | -- | -- | -- | -- | -- |
| Violating game law | 2 | 2 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 2 | -- | -- | -- | -- | -- | -- | -- |
| Violating immigration law | 7 | 1 | ---- | 3 | 3 | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- |
| Violating prohibition law | 651 | 378 | 49 | 122 | 102 | ---- | ---- | 54 | 4 | 320 | -- | -- | -- | -- | -- | -- | -- |
| Violating revenue law | 254 | 80 | 49 | 102 | 23 | ---- | ---- | 9 | 3 | 68 | -- | -- | -- | -- | -- | -- | -- |
| Violating road law | 1 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 1 | -- | -- | -- | -- | -- | -- | -- |
| Violating stock law | 23 | 8 | 3 | 11 | 1 | ---- | ---- | ---- | ---- | 8 | -- | -- | -- | -- | -- | -- | -- |
| Violating Sunday law | 323 | 188 | 32 | 58 | 45 | ---- | ---- | 5 | 3 | 180 | -- | -- | -- | -- | -- | -- | -- |
| Violating sunrise and sunset law | 18 | 5 | 2 | 10 | 1 | ---- | ---- | 1 | ---- | 4 | -- | -- | -- | -- | -- | -- | -- |
| Violating written contract | 18 | 13 | 4 | ---- | 1 | ---- | ---- | 2 | ---- | 11 | -- | -- | -- | -- | -- | -- | -- |
| Wanton mischief | 12 | ---- | 2 | 7 | 3 | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- |
| Total | 13616 | 7954 | 1961 | 2828 | 873 | 36 | 1315 | 1403 | 134 | 5064 | -- | -- | -- | -- | -- | 1 | 5 |

Percentage of convictions in cases disposed of, 58.

Predominant crime, Assault and battery with weapon.

Note—In some cases disposed of there were two defendants and in some cases the defendants were fined and also sentenced to hard labor and jail.

## FIRST JUDICIAL CIRCUIT.

Composed of the Counties of Choctaw, Clark, Marengo and Monroe.

(Two years ending September 30, 1904.)

Hon. B. F. Elmore, Solicitor, Demopolis, succeeded by Hon. W. C. Harrison, Jr., Nov. 1902.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 35 | 15 | 6 | 13 | 1 | --- | --- | --- | --- | 15 |
| Adultery and fornication | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Affray | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Aiding prisoner to escape | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Arson, first degree | 4 | 1 | 2 | --- | 1 | --- | 1 | --- | --- | --- |
| Arson, second degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Assault | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Assault and battery | 82 | 62 | 5 | 7 | 8 | --- | --- | 3 | --- | 59 |
| Assault, intent to murder | 19 | 6 | 6 | 5 | 2 | --- | 6 | --- | --- | --- |
| Assault, intent to ravish | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Attempt to poison | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Bastardy | 4 | 2 | --- | --- | 2 | --- | --- | --- | --- | 2 |
| Bigamy | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Burglary | 25 | 19 | --- | 4 | 2 | --- | 18 | 1 | --- | --- |
| Carnal knowledge, girl over 10 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Concealed weapons | 59 | 37 | 10 | 9 | 3 | --- | --- | 2 | 1 | 34 |
| Cruelty to animals | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Defaulting road hand | 7 | 2 | --- | 3 | 2 | --- | --- | --- | --- | 2 |
| Dentistry, practicing without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 8 | --- | 2 | 6 | --- | --- | --- | --- | --- | --- |
| Disturbing women, public assembly | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| False pretense | 11 | 4 | --- | 5 | 2 | --- | --- | --- | --- | 4 |
| Forgery, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Gaming | 19 | 17 | --- | --- | 1 | | --- | --- | --- | 17 |
| Gaming in public place | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Gaming with minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Gaming on Sunday | 30 | 20 | 1 | 3 | 1 | --- | --- | --- | --- | 20 |
| Injuring bridge | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Larceny, grand | 18 | 7 | 3 | 6 | 2 | --- | 6 | 1 | --- | --- |
| Larceny, petit | 35 | 27 | --- | 2 | 6 | --- | --- | 3 | 11 | 13 |
| Manslaughter, first degree | 3 | 3 | --- | --- | --- | --- | 2 | 1 | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |

FIRST JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Murder, first degree | 21 | 13 | 2 | 6 | --- | 1 | 12 | --- | --- | --- |
| Murder, second degree | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Perjury | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Practicing medicine without license | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Presenting gun | 4 | 2 | --- | 2 | --- | --- | --- | --- | --- | 2 |
| Public drunkenness | 13 | 9 | 2 | 2 | --- | --- | --- | --- | --- | 9 |
| Rape | 3 | --- | 2 | 1 | --- | --- | --- | --- | --- | --- |
| Resisting officer | 2 | 1 | --- | --- | 1 | --- | --- | --- | --- | 1 |
| Retailing | 13 | 8 | --- | --- | 5 | --- | --- | --- | 1 | 7 |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Selling mortgaged property | 7 | 3 | 2 | 1 | 1 | --- | --- | --- | 3 | --- |
| Sending abusive letter | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 6 | 1 | 1 | 3 | 1 | --- | --- | --- | --- | 1 |
| Trespass after warning | 4 | 2 | --- | 1 | 1 | --- | --- | --- | --- | 2 |
| Unlawful injury to animal | 18 | 11 | 2 | 3 | 2 | --- | --- | 1 | --- | 10 |
| Violating contract with surety, confessed judgment | 2 | 1 | --- | --- | 1 | --- | --- | 1 | --- | --- |
| Violating labor contract | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Violating prohibitory law | 57 | 9 | 5 | 6 | 37 | --- | --- | --- | 3 | 6 |
| Violating stock law | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Violating Sunday law | 6 | 2 | --- | 4 | --- | --- | --- | --- | --- | 2 |
| Violating sunrise and sunset law | 3 | --- | 2 | 1 | --- | --- | --- | --- | --- | --- |
| Total | 538 | 298 | 58 | 106 | 89 | 1 | 51 | 13 | 20 | 213 |

Percentage of convictions in cases disposed of, 55.

Predominant crime, Assault and battery.

## SECOND JUDICIAL CIRCUIT.

Composed of the Counties of Butler, Conecuh, Crenshaw, Escambia, Lowndes and Montgomery.

(Two years ending September 30, 1904.)

Hon. C. R. Bricken, Luverne, Solicitor.

Hon. S. H. Dent, Jr., Solicitor City Court of Montgomery, prosecutes in Montgomery County.

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 39 | 30 | 1 | 8 | --- | --- | --- | 3 | --- | 27 |
| Aiding prisoner to escape | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Arson, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Assault with weapon | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Assault and battery | 27 | 25 | --- | 2 | --- | --- | --- | 4 | --- | 21 |
| Assault and battery with weapon | 61 | 58 | 1 | 2 | --- | --- | --- | 15 | --- | 43 |
| Assault, intent to murder | 23 | 19 | 3 | 1 | --- | --- | 18 | 1 | --- | --- |
| Attempt to poison | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Attempt at burglary | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Bastardy | 5 | 2 | 3 | --- | --- | --- | --- | 2 | --- | --- |
| Burglary | 19 | 17 | --- | 2 | --- | --- | 13 | 4 | --- | --- |
| Burglary in railroad car | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary and grand larceny | 10 | 8 | --- | 2 | --- | --- | 8 | --- | --- | --- |
| Concealed weapons | 77 | 60 | 8 | 9 | --- | --- | --- | 31 | --- | 29 |
| Concealing stolen property | 3 | 3 | --- | --- | --- | --- | --- | 1 | --- | 2 |
| Cruelty to animals | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Disturbing women | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Embezzlement | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- |
| Escape | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| False pretense | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Forfeiture, final | 15 | 15 | --- | --- | --- | --- | --- | --- | --- | 15 |
| Fence breaking | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Forgery, second degree | 3 | 2 | --- | 1 | --- | --- | 1 | 1 | --- | --- |
| Gaming | 23 | 19 | --- | 4 | --- | --- | --- | --- | --- | 19 |
| Larceny, grand | 23 | 19 | --- | 4 | --- | --- | 18 | 1 | --- | --- |
| Larceny, petit | 18 | 13 | 4 | 1 | --- | --- | --- | 6 | --- | 7 |
| Manslaughter, first degree | 6 | 6 | --- | --- | --- | --- | 5 | 1 | --- | --- |
| Murder, first degree | 15 | 6 | 5 | 4 | --- | 3 | 3 | --- | --- | --- |
| Murder, second degree | 11 | 8 | 2 | 1 | --- | --- | 8 | --- | --- | --- |
| Presenting gun | 5 | 3 | 2 | --- | --- | --- | --- | --- | --- | 3 |
| Public drunkenness | 9 | 9 | --- | --- | --- | --- | --- | --- | --- | 9 |

SECOND JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Rape | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- | --- |
| Retailing | 32 | 15 | 2 | 15 | --- | --- | --- | 10 | --- | 5 |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Selling liquor to minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Selling mortgaged property | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Throwing deadly missle into railroad train | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Sodomy | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Trespass after warning | 7 | 6 | --- | 1 | --- | --- | --- | 1 | --- | 5 |
| Unlawful injury to animal | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Violating contract with surety, confessed judgment | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating labor contract | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Violating Sunday law | 8 | 7 | 1 | --- | --- | --- | --- | --- | --- | 7 |
| Totals | 468 | 376 | 32 | 60 | --- | 4 | 80 | 86 | --- | 205 |

Percentage of convictions in cases disposed of, 80.
Predominant crime, Concealed weapon.

## THIRD JUDICIAL CIRCUIT.

Composed of the Counties of Bullock, Dale, Russell, Lee, and Barbour.

(Two years ending September 30, 1904.)

Hon. C. A. L. Samford, Solicitor, Opelika, Ala.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 23 | 19 | 1 | 2 | 1 | --- | --- | 4 | --- | 15 |
| Adultery and fornication | 24 | 15 | 3 | 5 | 1 | --- | 1 | 8 | --- | 6 |
| Affray | 12 | 9 | 2 | 1 | --- | --- | --- | 1 | --- | 8 |
| Arson, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Arson, second degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Assault and battery | 69 | 57 | 8 | 2 | 2 | --- | --- | 20 | --- | 37 |
| Assault, intent to murder | 45 | 30 | 8 | 7 | --- | --- | 30 | --- | --- | --- |
| Assault, intent to ravish | 5 | 3 | --- | 2 | --- | --- | 3 | --- | --- | --- |
| Attempt to commit burglary | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Attempt to commit felony | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Bastardy | 15 | 5 | 3 | 6 | 1 | --- | --- | 1 | --- | 4 |
| Betting in public places | 21 | 7 | 2 | 12 | --- | --- | --- | 4 | --- | 3 |
| Bigamy | 6 | 4 | 2 | --- | --- | --- | 3 | --- | --- | 1 |
| Bringing stolen property into the State | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Burglary | 64 | 37 | 9 | 13 | 5 | --- | 37 | --- | --- | --- |
| Buying stolen property | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 99 | 77 | 17 | 2 | 3 | --- | --- | 39 | --- | 38 |
| Cruelty to animals | 9 | 6 | 2 | 1 | --- | --- | --- | 1 | --- | 5 |
| Defamation | 6 | 3 | 1 | 2 | --- | --- | --- | --- | --- | 3 |
| Defaulting road hand | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Defaulting road overseer | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Disposing property under lien | 21 | 9 | 3 | 9 | --- | --- | 3 | --- | --- | 6 |
| Disturbing assembly | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Disturbing religious worship | 6 | 4 | 2 | --- | --- | --- | --- | --- | 1 | 3 |
| Embezzlement | 9 | 4 | 2 | 3 | --- | --- | 3 | --- | --- | 1 |
| False pretense | 3 | --- | 1 | 1 | 1 | --- | --- | --- | --- | --- |
| Forgery, second degree | 9 | 4 | 1 | 2 | 2 | --- | 3 | --- | --- | 1 |
| Gaming | 16 | 7 | 1 | 7 | 1 | --- | --- | --- | --- | 7 |
| Giving liquor to minor | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Incest | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Injuring private property | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Keeping gaming table | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 95 | 68 | 11 | 13 | 3 | --- | 65 | 2 | --- | 1 |
| Larceny, petit | 49 | 36 | 3 | 10 | --- | --- | 1 | 12 | --- | 22 |

THIRD JUDCIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Manslaughter, first degree | 8 | 8 | --- | --- | --- | --- | 8 | --- | --- | --- |
| Manslaughter, second degree | 3 | 3 | --- | --- | --- | --- | --- | 1 | 1 | 1 |
| Miscegination | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Murder, first degree | 3 | 2 | --- | --- | 1 | 1 | 1 | --- | --- | --- |
| Murder, second degree | 10 | 7 | 2 | 1 | --- | --- | 7 | --- | --- | --- |
| Perjury | 10 | --- | 1 | 9 | --- | --- | --- | --- | --- | --- |
| Playing cards, public place | 24 | 24 | --- | --- | --- | --- | --- | --- | --- | 24 |
| Presenting gun | 7 | 5 | --- | 2 | --- | --- | --- | --- | --- | 5 |
| Public drunkenness | 6 | 5 | --- | 1 | --- | --- | --- | 1 | --- | 4 |
| Rape | 3 | 1 | 2 | --- | --- | --- | 1 | --- | --- | --- |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Retailing | 17 | 14 | 1 | 2 | --- | --- | --- | 3 | --- | 11 |
| Soliciting orders, prohibition district | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Taking cotton from bale illegally | 5 | --- | 5 | --- | --- | --- | --- | --- | --- | --- |
| Temporary use of animal | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Threatening to burn house | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Trespass after warning | 8 | 1 | 2 | 5 | --- | --- | --- | --- | --- | 1 |
| Unlawful injury to animal | 5 | 3 | 2 | --- | --- | --- | --- | --- | --- | 3 |
| Unlawfully riding train | 4 | 4 | --- | --- | --- | --- | --- | 4 | --- | --- |
| Vagrancy | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Violating contract with surety, confessed judgment | 2 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- |
| Violating prohibition law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating revenue law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 43 | 33 | 8 | 2 | --- | --- | --- | 1 | --- | 32 |
| Violating sunrise and sunset law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Total | 799 | 538 | 113 | 127 | 21 | 1 | 173 | 105 | 2 | 256 |

Note—Insane hospital, 1.

Percentage of convictions in cases disposed of, 67.
Predominant crime, Concealed weapons.

## FOURTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)
Composed of the Counties of Bibb, Dallas, Hale, Perry and Wilcox.

Hon. W. W. Quarles, Solicitor, Selma, Ala.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 3 | 3 | | | | | | | | 3 |
| Arson, first degree | 3 | 1 | 1 | 1 | | | 1 | | | |
| Arson, second degree | 1 | | 1 | | | | | | | |
| Assault with weapon | 4 | 4 | | | | | | | | 4 |
| Assault and battery | 9 | 7 | 1 | 1 | | | | 2 | | 5 |
| Assault and battery with weapon | 44 | 44 | | | | | | 16 | | 28 |
| Assault, intent to murder | 14 | 11 | 4 | 1 | 1 | | 9 | 2 | | |
| Assault, intent to ravish | 2 | 2 | | | | | 2 | | | |
| Attempt to commit grand larceny | 2 | 2 | | | | | | | | 2 |
| Attempt to commit burglary | 1 | 1 | | | | | | | | 1 |
| Betting at cards | 11 | 2 | | 9 | | | | 2 | | |
| Blackmail | 2 | 1 | | 1 | | | 1 | | | |
| Burglary | 47 | 40 | 4 | 3 | | | 24 | 16 | | |
| Carnal knowledge, girl over 10 | 1 | | | 1 | | | | | | |
| Concealed weapons | 49 | 38 | 3 | 6 | 2 | | | 26 | | 12 |
| Cruelty to animals | 2 | 2 | | | | | | | | 2 |
| Defaulting road hand | 1 | | | 1 | | | | | | |
| Disturbing religious worship | 1 | 1 | | | | | | | | 1 |
| Embezzlement | 1 | 1 | | | | | | | | 1 |
| Escapes | 5 | 5 | | | | | | 5 | | |
| False pretense | 1 | | | 1 | | | | | | |
| Forgery, second degree | 4 | 4 | | | | | 2 | 2 | | |
| Forgery, third degree | 2 | 2 | | | | | | 1 | | 1 |
| Gaming on Sunday | 1 | | | 1 | | | | | | |
| Larceny, grand | 53 | 42 | 4 | 5 | 2 | | 22 | 20 | | |
| Larceny, petit | 29 | 25 | 2 | 2 | | | | 7 | | 18 |
| Manslaughter, first degree | 14 | 14 | | | | | 13 | 1 | | |
| Manslaughter, second degree | 6 | 6 | | | | | | 5 | | 1 |
| Murder, first degree | 25 | 12 | 8 | 4 | 1 | 5 | 7 | | | |
| Murder, second degree | 12 | 10 | 2 | | | | 10 | | | |
| Playing cards, public place | 11 | 11 | | | | | | 7 | | 4 |
| Presenting gun | 1 | 1 | | | | | | | | 1 |
| Public drunkenness | 1 | 1 | | | | | | | | 1 |
| Receiving stolen property | 1 | | 1 | | | | | | | |
| Removing property under lien | 13 | 10 | 2 | 1 | | | | 8 | | 2 |
| Shooting across public road | 3 | 3 | | | | | | 2 | | 1 |

FOURTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Temporary use of animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Violating prohibitory law | 8 | 4 | 2 | 2 | --- | --- | --- | 1 | --- | 3 |
| Violating stock law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating written contract | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Total | 394 | 313 | 34 | 41 | 6 | 5 | 91 | 125 | --- | 92 |

Percentage of convictions in cases disposed of, 79.
Predominant crime, Grand larceny.

## FIFTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)

Composed of the Counties of Tallaaega, Randolph, Chambers, Macon, Coosa, Elmore, Autauga and Chilton.

(By Acts of Oct. 12, 1903, and Oct. 13, 1903, the Counties of Elmore and Chilton were placed in the Fifteenth Judicial Circuit, both of which Acts have been declared unconstitutional.)

Hon. S. L. Brewer, Tuskegee, Solicitor.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Abusive language | 39 | 34 | 1 | 4 | --- | --- | --- | --- | --- | 34 |
| Adultery and fornication | 6 | 2 | 1 | 3 | --- | --- | --- | --- | --- | 2 |
| Affray | 12 | 18 | --- | 4 | --- | --- | --- | --- | --- | 8 |
| Arson, first degree | 7 | 7 | --- | --- | --- | 3 | 4 | --- | --- | --- |
| Arson, second degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Assault | 22 | 20 | --- | 2 | --- | --- | --- | --- | --- | 20 |
| Assault and battery | 18 | 14 | 2 | 2 | --- | --- | --- | --- | --- | 14 |
| Assault, intent to murder | 33 | 17 | 3 | 12 | 1 | --- | 17 | --- | --- | --- |
| Assault, intent to ravish | 3 | 2 | --- | --- | 1 | --- | 2 | --- | --- | --- |
| Assault with weapon | 52 | 52 | --- | --- | --- | --- | --- | 6 | --- | 46 |
| Bastardy | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Bigamy | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Burglary | 79 | 61 | 13 | 5 | --- | --- | 61 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Common prostitute | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Consealed weapons | 32 | 27 | 2 | 3 | --- | --- | --- | 3 | --- | 24 |
| Crime aginst nature | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- |
| Cruelty to animals | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Defacing public building | 5 | 2 | 3 | --- | --- | --- | --- | --- | --- | 2 |
| Defamation | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Defaulting road hand | 3 | 1 | 2 | --- | --- | --- | --- | --- | --- | 1 |
| Embezzlement | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Enticing away laborer under written contract | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 6 | 2 | --- | 3 | --- | --- | 1 | --- | --- | 2 |
| Forgery, first degree | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Forgery, second degree | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Gaming | 3 | 3 | --- | --- | --- | --- | --- | 3 | --- | --- |
| Gaming on Sunday | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |

FIFTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Incest | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Justice of Peace, failure of to report docket to grand jury | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Justice of Peace, failure of to report fees to grand jury | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 69 | 53 | 7 | 8 | 1 | --- | 53 | --- | --- | --- |
| Larceny, petit | 35 | 33 | --- | 2 | --- | --- | --- | 6 | --- | 27 |
| Malicious mischief | 6 | 2 | 4 | --- | --- | --- | --- | --- | --- | 2 |
| Manslaughter, first degree | 11 | 8 | 3 | --- | --- | --- | 2 | 1 | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Missegnation | 4 | 2 | 2 | --- | --- | --- | 2 | --- | --- | --- |
| Murder, first degree | 31 | 25 | 1 | 4 | 1 | 3 | 22 | --- | --- | --- |
| Murder, second degree | 24 | 22 | 1 | 1 | --- | --- | 22 | --- | --- | --- |
| Obtaining signature under false pretense | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Playing cards, public place | 3 | 3 | --- | --- | --- | --- | --- | 1 | --- | 2 |
| Playing cards on Sunday | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Playing dice, public place | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Practicing medicine without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Presenting gun | 2 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Public drunkenness | 21 | 20 | 1 | --- | --- | --- | --- | --- | --- | 20 |
| Rape | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Robbery | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Seduction | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Selling mortgaged property | 7 | 4 | 1 | 2 | --- | --- | --- | 1 | --- | 3 |
| Shooting across public road | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Shooting on Sunday | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Temporary use of animal | 3 | 3 | --- | --- | --- | --- | --- | 2 | --- | 1 |
| Trespass after warning | 4 | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 |
| Unlawful injury to animal | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Violating contract with surety, confessed judgment | 7 | 7 | --- | --- | --- | --- | --- | --- | --- | 7 |
| Violating prohibitory law | 18 | 10 | 2 | 6 | --- | --- | --- | 1 | --- | 9 |
| Violating revenue law | 15 | 9 | 6 | --- | --- | --- | --- | 4 | --- | 7 |
| Violating written contract | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Road overseer, failure to discharge duty | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Road apportioner, failure to discharge duty | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 646 | 504 | 62 | 76 | 4 | 6 | 209 | 31 | --- | 258 |

Percentage of convictions in cases disposed of, 78.
Predominant crime, Burglary.

## SIXTH JUDICIAL CIRCUIT.

Composed of the Counties of Lamar, Fayette, Greene, Sumter, Pickens

(Two years ending September 30, 1904.)

Hon. W. B. Oliver, Solicitor, Tuscaloosa, Ala.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 15 | 11 | --- | 4 | --- | --- | --- | --- | --- | 11 |
| Adultery and fornication | 9 | 5 | 2 | 1 | 1 | --- | --- | --- | --- | 5 |
| Affray | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault and battery | 32 | 28 | 3 | 1 | --- | --- | --- | --- | --- | 28 |
| Assault and battery with weapon | 44 | 35 | 3 | 6 | --- | --- | --- | --- | --- | 35 |
| Assault, intent to murder | 5 | 4 | 1 | --- | --- | --- | 4 | --- | --- | --- |
| Assault, intent to rob | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Attempt to commit felony | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Breaking fence | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Burglary | 5 | 4 | 1 | --- | --- | --- | --- | 4 | --- | --- |
| Concealed weapons | 63 | 47 | 4 | 9 | 3 | --- | --- | 4 | --- | 43 |
| Defaulting road hand | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Disturbing religious worship | 10 | 9 | 1 | --- | --- | --- | --- | --- | --- | 9 |
| Escape | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| False pretense | 8 | 8 | --- | --- | --- | --- | --- | --- | --- | 8 |
| Forgery, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Gaming | 34 | 23 | 3 | 8 | --- | --- | --- | --- | --- | 23 |
| Injuring public building | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 12 | 9 | 1 | 3 | --- | --- | --- | 9 | --- | --- |
| Larceny, petit | 39 | 38 | --- | 1 | --- | --- | --- | --- | --- | 38 |
| Manslaughter, first degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Miscegnation | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Murder, first degree | 8 | 6 | 1 | 1 | --- | --- | 5 | 1 | --- | --- |
| Murder, second degre | 4 | 2 | 2 | --- | --- | --- | 2 | --- | --- | --- |
| Obstructing public justice | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Perjury | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- |
| Practicing medicine without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Presenting gun | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 27 | 23 | 1 | 3 | --- | --- | --- | --- | --- | 23 |
| Removing mortgaged property | 14 | 11 | 1 | 2 | --- | --- | --- | --- | --- | 11 |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Selling liquor to minor | 5 | 3 | --- | 2 | --- | --- | --- | --- | --- | 3 |
| Selling pistol to minor | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Shooting across public road | 4 | 3 | --- | 1 | --- | --- | --- | --- | --- | 3 |

SIXTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Temporary use of animal | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Trespass after warning | 3 | 1 | 1 | 1 | --- | --- | --- | --- | --- | 1 |
| Throwing missle into train | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawful injury to animal | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Vagrancy | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating prohibitory law | 50 | 43 | 4 | 3 | --- | --- | --- | 6 | --- | 37 |
| Violating revenue law | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Violating Sunday law | 9 | 5 | 3 | 1 | --- | --- | --- | --- | --- | 5 |
| Total | 435 | 346 | 34 | 49 | 6 | --- | 11 | 27 | --- | 308 |

Percentage of convictions in cases disposed of, 79.
Predominant crime, Concealed weapons.

## SEVENTH JUDICIAL CIRCUIT.

Composed of the Counties of Calhoun, Clay, Cleburne, Shelby, St. Clair and Talladega.

(Two years ending September 30, 1904.)

Hon. Joseph B. Graham, Solicitor, Talladegaa, Ala.

Died in 1903, succeeded by Hon. C. C. Whitten, Talladega, Ala.

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Abusive language | 32 | 22 | 2 | 4 | 4 | --- | --- | --- | --- | 22 |
| Adultery and fornication | 2 | 1 | --- | --- | 1 | --- | --- | --- | --- | 1 |
| Affray | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Arson, second degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault with weapon | 14 | 6 | --- | 6 | 2 | --- | --- | 1 | 5 | --- |
| Assault and battery | 12 | 5 | --- | 7 | --- | --- | --- | --- | 5 | --- |
| Assault and battery with weapon | 3 | 2 | 1 | --- | --- | --- | --- | --- | 2 | --- |
| Assault, intent to murder | 23 | 15 | 5 | 3 | --- | --- | 10 | 1 | 1 | 4 |
| Assault, intent to ravish | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Attempt to commit arson | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Bastardy | 3 | 2 | --- | --- | 1 | --- | --- | 2 | --- | --- |
| Bigamy | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Burglary | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Concealed weapons | 20 | 5 | 4 | 9 | 2 | --- | --- | 1 | --- | 4 |
| Cruelty to animals | 3 | --- | 1 | 2 | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 18 | 7 | 10 | 1 | --- | --- | --- | --- | --- | 7 |
| Dynamiting fish | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Escape | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| False pretense | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Forgery, second degree | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Gaming | 11 | 2 | --- | 9 | --- | --- | --- | --- | --- | 2 |
| Larceny, grand | 13 | 12 | --- | 1 | --- | --- | 11 | 1 | --- | --- |
| Larceny, petit | 7 | 4 | 2 | 1 | --- | --- | --- | 2 | 1 | 1 |
| Manslaughter, first degree | 4 | 3 | 1 | --- | --- | --- | 2 | 1 | --- | --- |
| Manslaughter, second degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 19 | 16 | 2 | 1 | --- | 1 | 13 | 2 | --- | --- |
| Murder, second degree | 5 | 4 | 1 | --- | --- | --- | 3 | 1 | --- | --- |
| Playing cards, public place | 9 | 5 | 4 | --- | --- | --- | --- | --- | --- | 5 |
| Presenting gun | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 16 | 10 | 1 | 3 | 2 | --- | --- | --- | --- | 10 |

SEVENTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Rape | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Retailing | 53 | 23 | 8 | 22 | --- | --- | --- | 1 | --- | 22 |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Selling liquor to minor | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Shooting on Sunday | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 4 | --- | 3 | 1 | --- | --- | --- | --- | --- | --- |
| Unlawful assembly | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Unlawful injury to animal | 6 | 2 | 1 | 3 | --- | --- | --- | --- | --- | 2 |
| Violating Sunday law | 7 | 6 | --- | 1 | --- | --- | --- | --- | --- | 6 |
| Total | 313 | 169 | 48 | 84 | 12 | 1 | 47 | 15 | 14 | 92 |

Percentage of convictions in cases disposed of, 54.
Predominant crime, Retailing.

*Fined and sentenced to jail.

## EIGHTH JUDICIAL CIRCUIT.

Composed of the Counties of Cullmen, Lawrence, Limestone, Madison, and Morgan.

(The counties of Limestone and Madison were placed in the Sixteenth Judicial Circuit by Act of Oct, 12, 1903, afterwards declared to be unconstitutional.)

Hon. D. C. Allman, Solicitor, Moulton, Ala.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Assault with weapon | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Assault, intent to murder | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Burglary | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- |
| Disposing property under lien | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Forgery, first degree | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Gaming, | 3 | 2 | 1 | --- | --- | --- | --- | 1 | --- | 1 |
| Larceny, grand | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, petit | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Murder, first degree | 5 | 5 | --- | --- | --- | --- | 4 | --- | 1 | *1 |
| Public drunkenness | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Receiving stolen property | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Robbery | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Train wrecking | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Total | 26 | 17 | 7 | 2 | --- | --- | 9 | 4 | 1 | 4 |

Percentage of convictions in cases disposed of, 65.
Predominant crime, Murder, first degree.

*Fined and sentenced to jail in same case.

## NINTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)

Composed of the Counties of Blount, Cherokee, Etowah, DeKalb, Jackson and Marshall.

Hon. R. C. Hunt, Solicitor, Fort Payne, Alabama.

Hon. J. F. Proctor, Solicitor of Jackson County, prosecutes in that County.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 41 | 22 | 5 | 12 | 2 | --- | --- | 1 | --- | 21 |
| Adultery and fornication | 9 | 3 | 1 | 5 | --- | --- | --- | 1 | 1 | 1 |
| Arson, second degree | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- |
| Assault, | 32 | 15 | 3 | 13 | 1 | --- | --- | 1 | --- | 14 |
| Assault with weapon | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Assault and battery | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Assault, intent to murder | 6 | 2 | 2 | 2 | --- | --- | 2 | --- | --- | --- |
| Bastardy | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Bigamy | 3 | 2 | --- | 1 | --- | --- | 2 | --- | --- | --- |
| Burglary | 5 | 2 | 3 | --- | --- | --- | 2 | --- | --- | --- |
| Compounding felony | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Concealed weapons | 69 | 19 | 14 | 32 | 4 | --- | --- | 7 | --- | 12 |
| Defacing church | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defacing mile board | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Defaulting road hand | 6 | 1 | 1 | 4 | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 16 | 2 | 2 | 12 | --- | --- | --- | --- | --- | 2 |
| Disturbing women, public assembly | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Disturbing school | 4 | 3 | --- | 1 | --- | --- | --- | --- | --- | 3 |
| Embezzlement | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| False pretense | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Forgery, first degree | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Gaming | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Keeping ferry without license | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 13 | 3 | 3 | 6 | 1 | --- | 3 | --- | --- | --- |
| Larceny, petit | 7 | 1 | 1 | 5 | --- | --- | --- | --- | --- | 1 |
| Manslaughter, first degree | 3 | 2 | 1 | --- | --- | --- | 2 | --- | --- | --- |
| Manslaughter, second degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Murder, first degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Murder, second degree | 7 | 3 | 3 | 1 | --- | --- | 3 | --- | --- | --- |
| Obstructing public road | 4 | 3 | --- | 1 | --- | --- | --- | --- | --- | 3 |
| Playing cards on Sunday | 6 | 2 | 4 | --- | --- | --- | --- | --- | --- | 2 |
| Practicing medicine without license | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |

NINTH JUDICIAL CIRCUIT—*CSontinued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Presenting gun | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 23 | 10 | 3 | 10 | --- | --- | --- | --- | --- | 10 |
| Retailing | 74 | 12 | 9 | 52 | 1 | --- | --- | 1 | --- | 11 |
| Road overseer, failure to discharge duty | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Selling liquor to minor | 7 | --- | --- | 7 | --- | --- | --- | --- | --- | --- |
| Selling mortgaged property | 8 | 1 | 1 | 5 | 1 | --- | --- | --- | --- | 1 |
| Shooting across public road | 6 | 2 | 2 | 2 | --- | --- | --- | --- | --- | 2 |
| Shooting on Sunday | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Soliciting orders, prohibitive dist. | 4 | 1 | --- | 3 | --- | --- | --- | --- | --- | 1 |
| Taking boat from mooring | 2 | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Trespass after warning | 4 | 1 | 1 | 2 | --- | --- | --- | --- | --- | 1 |
| Unlawful injury to animal | 3 | 1 | 2 | --- | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Violating stock law | 3 | 1 | 1 | 1 | --- | --- | --- | --- | --- | 1 |
| Selling cigarette tobacco | 4 | --- | --- | 4 | --- | --- | --- | --- | --- | --- |
| Total | 409 | 130 | 68 | 198 | 13 | --- | 17 | 11 | 1 | 101 |

Percentage of convictions in cases disposed of, 32.
Predominant crime, Retailing.

## TENTH JUDICIAL CIRCUIT.

Composed of the Counties of Jefferson, Walker and Winston.

Hon. Chas. W. Ferguson, Birmingham, Alabama, Solicitor from October, 1902, to July 10th, 1903; Hon. Jno. C. Pugh, Birmingham, Alabama, Solicitor from July 10th, 1903 to October 1st, 1904.

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(No report received from Oct. 1902, to Oct. 1904. By Act of Oct. 9, 1903, Jefferson county was placed in a separate Circuit known as the Tenth Judicial Circuit, and by Act of October 12, 1903, Walker and Winston Counties were placed in the Fourteenth Judicial Circuit, both of which Acts were afterwards declared unconstitutional, leaving this Circuit as originally created and no reports were received on account of this changed condition.

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The duties of Messrs. Ferguson and Pugh as Solicitors of this Circuit consisted of prosecuting in the Second Division of the Criminal Court of Jefferson County, in addition to their duties as Circuit Solicitor.

## ELEVENTH JUDICIAL CIRCUIT.

Composed of the Counties of Lauderdale, Colbert, Marion and Franklin.

(Two years ending September 30, 1904.)

Hon. W. T. Sawtelle, Solicitor, Tuscumbia, Alabama.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | | 32 | 24 | 2 | 6 | | | | | 24 |
| Adultery and fornication | 2 | 1 | | 1 | | | | | | 1 |
| Affray | 1 | 1 | | | | | | | | 1 |
| Assault | 4 | 3 | | 1 | | | | | | 3 |
| Assault and battery | 4 | 3 | | 1 | | | | | | 3 |
| Assault, intent to murder | 5 | 5 | | | | | 5 | | | |
| Assault, intent to ravish | 1 | | 1 | | | | | | | |
| Assault with weapon | 19 | 14 | 4 | 1 | | | | 1 | | 13 |
| Bastardy | 2 | 1 | | | 1 | | | | | 1 |
| Burglary | 1 | 1 | | | | | 1 | | | |
| Carnal knowledge, girl under 10 | 1 | | | | 1 | | | | | |
| Concealed weapons | 23 | 15 | 4 | 4 | | | | | | 15 |
| Conspiracy | 1 | | | 1 | | | | | | |
| Defaulting road overseer | 4 | | | 4 | | | | | | |
| Disturbing assembly | 1 | 1 | | | | | | | | 1 |
| Disturbing religious worship | 11 | 8 | 1 | 2 | | | | | | 8 |
| Disturbing school | 1 | | | 1 | | | | | | |
| Dynamiting fish | 4 | 1 | 2 | 1 | | | | | | 1 |
| Embezzlement | 2 | | | 2 | | | | | | |
| False Pretense | 1 | | | 1 | | | | | | |
| Forgery, second degree | 1 | 1 | | | | | 1 | | | |
| Gaming | 12 | 10 | | 2 | | | | | | 10 |
| Horse racing public road | 1 | 1 | | | | | | | | 1 |
| Keeping bawdy house | 1 | | | 1 | | | | | | |
| Larceny, grand | 10 | 8 | 1 | 1 | | | 8 | | | |
| Larceny, petit | 14 | 10 | | 3 | 1 | | | 2 | | 8 |
| Murder, second degree | 2 | 2 | | | | | 2 | | | |
| Obstructing public road | 2 | 1 | | 1 | | | | | | 1 |
| Perjury | 1 | | | 1 | | | | | | |
| Permitting minor to play pool | 1 | 1 | | | | | | | | 1 |
| Presenting gun | 1 | 1 | | | | | | | | 1 |
| Practicing medicine without license | 1 | 1 | | | | | | | | 1 |
| Public drunkenness | 49 | 42 | 2 | 4 | 1 | | | | | 42 |
| Retailing | 44 | 27 | 3 | 14 | | | | 10 | | 17 |

ELEVENTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | Number of sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Selling mortgaged property | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | [illegible] |
| Soliciting orders prohibition district | 6 | 4 | 1 | 1 | --- | --- | --- | --- | --- | 4 |
| Throwing missle into railroad car | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Trespass after warning | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Unlawful injury to animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting on Sunday | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Totai | 275 | 194 | 22 | 55 | 4 | 5 | 17 | 14 | --- | 163 |

Percentage of convictions in cases disposed of, 70.
Predominant crime, Public drunkenness,

## TWELFTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)

Composed of the Counties of Coffee, Covington, Geneva and Pike.

Hon. R. H. Parks, Solicitor, Troy, Alabama.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 21 | 17 | 2 | 2 | | | | 1 | | 16 |
| Adultery and fornication | 7 | 5 | | 1 | 1 | | | 1 | | 4 |
| Affray | 1 | 1 | | | | | | | | 1 |
| Arson, second degree | 1 | 1 | | | | | 1 | | | |
| Assault | 2 | 2 | | | | | | 2 | | |
| Assault and battery | 50 | 40 | 6 | 3 | 1 | | | 4 | | 36 |
| Assault and battery with weapon | 9 | 7 | 1 | 1 | | | | | | 7 |
| Assault, intent to murder | 8 | 3 | 2 | 3 | | | 1 | 2 | | |
| Bastardy | 1 | | | 1 | | | | | | |
| Betting at cards | 9 | 4 | 1 | 4 | | | | | | 4 |
| Burglary | 10 | 9 | | 1 | | | 3 | 6 | | |
| Concealed weapons | 42 | 30 | 5 | 6 | 1 | | | 6 | | 24 |
| Cruelty to animals | 1 | | | 1 | | | | | | |
| Defaulting road hand | 2 | 2 | | | | | | | | 2 |
| Disturbing religious worship | 4 | 3 | 1 | | | | | | | 3 |
| Disturbing women, public assembly | 3 | 1 | 1 | 1 | | | | | | 1 |
| Embezzlement | 1 | | | 1 | | | | | | |
| False pretense | 9 | 3 | | 6 | | | | 3 | | |
| Forgery, first degree | 4 | 2 | 1 | | 1 | | 2 | | | |
| Gaming | 5 | 3 | 2 | | | | | 2 | | 1 |
| Keeping gaming table | 1 | 1 | | | | | 1 | | | |
| Larceny, grand | 16 | 13 | | 3 | | | 7 | 6 | | |
| Larceny, petit | 21 | 15 | 3 | 2 | 1 | | | | | 15 |
| Malicious mischief | 1 | | 1 | | | | | | | |
| Manslaughter, first degree | 2 | 2 | | 1 | | | 2 | | | |
| Manslaughter, second degree | 1 | | | 1 | | | | | | |
| Murder, first degree | 9 | 2 | 4 | 3 | | 1 | 1 | | | |
| Murder, second degree | 6 | 6 | | | | | 6 | | | |
| Obstructing public road | 1 | | 1 | | | | | | | |
| Playing cards, public place | 6 | 6 | | | | | | | | 6 |
| Playing cards on Sunday | 7 | 2 | | 5 | | | | 1 | | 1 |
| Presenting gun | 2 | 2 | | | | | | | | 2 |
| Public drunkenness | 7 | 3 | | 1 | 1 | | | | | 3 |
| Rape | 2 | 1 | | 1 | | 1 | | | | |
| Resisting officer | 1 | 1 | | | | | | | | 1 |

TWELFTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Retailing | 20 | 10 | 5 | 5 | --- | --- | --- | 2 | --- | 8 |
| Selling mortgaged property | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 26 | 21 | 3 | 2 | --- | --- | --- | --- | --- | 21 |
| Violating school law | 7 | --- | --- | 7 | --- | --- | --- | --- | --- | --- |
| Total | 327 | 221 | 39 | 61 | 6 | 2 | 24 | 36 | --- | 169 |

Percentage of convictions in cases disposed of, 68.
Predominant crime, Assault and battery.

## THIRTEENTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)

Composed of the Counties of Baldwin, Mobile and Washington.
Hon. John W. McAlpine, Solicitor, Mobile, Alabama.
Hon. J. H. Webb, Solicitor of City Court of Mobile, prosecutes in Mobile County.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 17 | 12 | 1 | 4 | --- | --- | --- | --- | --- | 12 |
| Adultery and fornication | 7 | --- | 1 | 6 | --- | --- | --- | --- | --- | --- |
| Aiding prisoner to escape | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Altering mark on sheep | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Allowing sheep-killing dog to run at large | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Arson, first degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault and battery | 6 | 5 | --- | 1 | --- | --- | --- | 1 | --- | 4 |
| Assault and battery with weapon | 8 | 4 | 2 | 2 | --- | --- | --- | 1 | --- | 3 |
| Assault, intent to ravish | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Attempt at abortion | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Bastardy | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Betting at cards | 6 | 4 | --- | 2 | --- | --- | --- | --- | --- | 4 |
| Burglary | 6 | 5 | --- | 1 | --- | --- | 4 | 1 | --- | --- |
| Concealed weapons | 11 | 6 | 2 | 3 | --- | --- | --- | --- | --- | 6 |
| Conspiracy | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Cruelty to animals | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Defaulting road hand | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Forfeitures | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Forgery, second degree | 4 | 1 | --- | 3 | --- | --- | 1 | --- | --- | --- |
| Horse racing on public road | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 7 | 5 | 2 | --- | --- | --- | 4 | 1 | --- | --- |
| Libel | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Murder, first degree | 3 | 2 | 1 | --- | --- | 1 | 1 | --- | --- | --- |
| Perjury | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Practicing medicine without license | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 8 | 7 | --- | 1 | --- | --- | --- | --- | --- | 7 |
| Unlawful injury to animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating revenue law | 14 | 6 | 4 | 4 | --- | --- | --- | --- | --- | 6 |
| Total | 121 | 67 | 18 | 36 | --- | 1 | 14 | 5 | --- | 47 |

Percentage of convictions in cases disposed of, 55.
Predominant crime, Abusive language.

FOURTEENTH JUDICIAL CIRCUIT.

Composed of the Counties of Walker and Winston.

(Two years ending Sept. 30, 1904.)

Hon. E. W. Coleman, Solicitor, Jasper, Alabama.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 18 | 15 | 2 | 1 | --- | --- | --- | 2 | --- | 13 |
| Adultery and fornication | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Assault with weapon | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault and battery | 29 | 25 | 3 | 1 | --- | --- | --- | 4 | --- | 21 |
| Assault and battery with weapon | 9 | 8 | --- | --- | 1 | --- | --- | --- | --- | 8 |
| Assault, intent to murder | 4 | 1 | 2 | 1 | --- | --- | 1 | --- | --- | --- |
| Bastardy | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Beastiality | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Betting on election | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Bigamy | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 23 | 16 | 6 | 11 | --- | --- | --- | 1 | --- | 15 |
| Defacing public building | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Defamation | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Embezzlement | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Employing minor to sell liquor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| False pretense | 3 | 3 | --- | --- | --- | --- | 2 | --- | --- | 1 |
| Forgery, third degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Gaming | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Larceny, grand | 19 | 13 | 4 | 1 | 1 | --- | 13 | --- | --- | --- |
| Larceny, petit | 15 | 10 | 2 | 3 | --- | --- | --- | 3 | --- | 7 |
| Malicious mischief | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Manslaughter, first degree | 7 | 4 | 3 | --- | --- | --- | 3 | 1 | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Miscegenation | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 12 | 8 | 4 | --- | --- | 3 | 5 | --- | --- | --- |
| Perjury | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Permitting minor to play pool | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Practicing medicine without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Presenting gun | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Public drunkenness | 11 | 7 | 1 | 3 | --- | --- | --- | --- | --- | 7 |
| Public profanity | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |

FOURTEENTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Refusing to obey Justice of Peace summons | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Resisting officer | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Retailing | 10 | 7 | 3 | --- | --- | --- | --- | --- | --- | 7 |
| Selling mortgaged property | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Selling liquor to minor | 5 | 3 | --- | 2 | --- | --- | --- | --- | --- | 3 |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting into railroad train | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 8 | 1 | --- | 7 | --- | --- | --- | --- | --- | 1 |
| Unlawful injury to animal | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Violating prohibitory law | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Violating stock law | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 15 | 15 | --- | --- | --- | --- | --- | --- | --- | 15 |
| Total | 252 | 171 | 36 | 43 | 2 | 3 | 29 | 15 | --- | 124 |

Percentage of convictions in cases disposed of, 68.
Predominant crime, Concealed weapons.

## FIFTEENTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)

Composed of the Counties of Montgomery, Elmore, Autauga and Chilton.

(Created by Acts of October 12, 1903, and Oct. 13, 1903, Gen. Acts. 1903, pp. 488 and 566, both of which Acts were afterwards declared inconstitutional.)

Hon. F. Loyd Tate, Solicitor, Wetumpka, Alabama.

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 6 | 2 | 2 | 1 | 1 | --- | --- | --- | --- | 2 |
| Assault | 3 | 2 | --- | 1 | --- | --- | --- | 1 | --- | 1 |
| Assault with weapon | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Assault and battery | 5 | 5 | --- | --- | --- | --- | --- | 2 | --- | 3 |
| Assault, intent to murder | 8 | 3 | 1 | 4 | --- | --- | 3 | --- | --- | --- |
| Assault, intent to ravish | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Bastardy | 2 | --- | --- | --- | 2 | --- | --- | --- | --- | --- |
| Burglary | 11 | 4 | 3 | 4 | --- | --- | 4 | --- | --- | --- |
| Concealed weapons | 6 | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | 2 |
| Defaulting road hand | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Disturbing religious worship | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| False pretense | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Forgery, first degree | 3 | 2 | --- | --- | 1 | --- | 2 | --- | --- | --- |
| Larceny, grand | 17 | 7 | 6 | 3 | 1 | --- | 7 | --- | --- | --- |
| Larceny, petit | 3 | 2 | --- | 1 | --- | --- | --- | 1 | --- | 1 |
| Miscegenation | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 |
| Murder, first degree | 9 | 4 | 1 | 4 | --- | --- | 4 | --- | --- | --- |
| Murder, second degree | 4 | 2 | 1 | 1 | --- | --- | 2 | --- | --- | --- |
| Public drunkenness | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Rape | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Retailing | 4 | 3 | --- | 1 | --- | --- | --- | 1 | 1 | 1 |
| Throwing missle at train | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Trespass after warning | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Violating revenue law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 99 | 49 | 19 | 25 | 6 | --- | 24 | 7 | 1 | 17 |

Percentage of convictions in cases disposed of, 49.
Predominant crime, Grand larceny.

## SIXTEENTH JUDICIAL CIRCUIT.

(Two years ending September 30, 1904.)

Composed of the Counties of Madison and Limestone.

(Created by Act of October 12, 1903, General Acts, 1903, p. 566, afterwards declared unconstitutional.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 3 | 2 | --- | 1 | --- | --- | --- | 2 | --- | --- |
| Arson, second degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Assault | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault and battery | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Assault, intent to murder | 6 | 4 | 1 | --- | 1 | --- | 4 | --- | --- | --- |
| Beastiality | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Bigamy | 3 | 1 | --- | 2 | --- | --- | 1 | --- | --- | --- |
| Burglary | 9 | 6 | 2 | 1 | --- | --- | 4 | 2 | --- | --- |
| Concealed weapons | 6 | 4 | 2 | --- | --- | --- | --- | 2 | --- | 2 |
| Defamation | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Forfeitures | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Gaming | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 5 | 2 | 2 | 1 | --- | --- | 2 | --- | --- | --- |
| Larceny, petit | 3 | 2 | 1 | --- | --- | --- | --- | 2 | --- | --- |
| Manslaughter, first degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 5 | 3 | 2 | --- | --- | --- | 3 | --- | --- | --- |
| Perjury | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 2 | 1 | --- | --- | 1 | --- | --- | --- | --- | 1 |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Retailing | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating revenue law | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 60 | 34 | 13 | 10 | 3 | --- | 14 | 11 | --- | 9 |

Percentage of convictions in cases disposed of, 57.
Predominant crime, Burglary.

## CITY COURT OF ANNISTON.

Hon. W. C. Tunstall, Jr., Solicitor, Anniston.

(Two years, ending September 30, 1906.)

(Including all cases tried in Circuit Court of Calhoun County.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 18 | 13 | 3 | 2 | --- | --- | --- | 4 | --- | 9 |
| Adultery and fornication | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Aiding escape | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Arson, first degree | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Assault | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault and battery | 4 | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 |
| Assault and battery with weapon | 13 | 8 | 2 | 3 | --- | --- | --- | 4 | --- | 4 |
| Assault, intent to murder | 12 | 3 | 5 | 3 | 1 | --- | 3 | --- | --- | --- |
| Assault, with weapon | 3 | 2 | --- | 1 | --- | --- | --- | 1 | --- | 1 |
| Breaking fence | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Burglary | 5 | 4 | --- | 1 | --- | --- | 4 | --- | --- | --- |
| Burglary and grand larceny | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary and grand larceny from railroad car | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Burglary, G. L. and R. S. G. | 7 | 4 | --- | 3 | --- | --- | 4 | --- | --- | --- |
| Concealed weapons | 10 | 1 | 43 | 3 | 2 | --- | --- | --- | --- | 1 |
| Cruelty to animals | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Embezzlement | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| False pretense | 8 | 1 | 2 | 4 | 1 | --- | 1 | --- | --- | --- |
| Forgery, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Forgery, second degree | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Gaming | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 4 | 2 | 1 | 1 | --- | --- | 2 | --- | --- | --- |
| Larceny, grand and R. S. G. | 5 | 3 | --- | 1 | 1 | --- | 3 | --- | --- | --- |
| Larceny, petit | 6 | 3 | --- | 3 | --- | --- | --- | 1 | 1 | 1 |
| Manslaughter, first degree | 2 | 1 | --- | --- | 1 | --- | 1 | --- | --- | --- |
| Murder, first degree | 5 | 1 | 3 | 1 | --- | --- | 1 | --- | --- | --- |
| Murder, second degree | 4 | 3 | 1 | --- | --- | --- | 3 | --- | --- | --- |
| Presenting gun | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Rape | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Receiving stolen property | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Retailing | 21 | 10 | 4 | 7 | --- | --- | --- | 4 | --- | 6 |
| Robbery | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Selling liquor to minor | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Selling mortgaged property | 4 | --- | 1 | 3 | --- | --- | --- | --- | --- | --- |

CITY COURT OF ANNISTON—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Shooting across public road | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Throwing into train | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Violating revenue law | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Total | 166 | 84 | 34 | 42 | 6 | --- | 31 | 16 | 1 | 36 |

Percentage of convictiins in cases disposed of, 51.
Predominant crime, Assault and battery with weapon

## CITY COURT OF BESSEMER.

Hon. Jas. A. Estes, Solicitor, Bessemer, Ala.

(Two years ending September 30, 1906.)

Succeeded by Hon. L. D. Godfrey, November 1904.

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | |
| Abusive language | 62 | 32 | 24 | 6 | --- | --- | --- | --- | --- | 32 | --- |
| Adultery and fornication | 6 | 3 | 2 | 1 | --- | --- | --- | --- | --- | 3 | --- |
| Assault | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 | --- |
| Assault and battery | 34 | 14 | 14 | 5 | 1 | --- | --- | --- | --- | 14 | --- |
| Assa't and battery with weapon | 79 | 34 | 30 | 13 | 2 | --- | --- | 2 | --- | 32 | --- |
| Assault, intent to murder | 3 | 1 | 2 | --- | --- | --- | 1 | --- | --- | --- | --- |
| Assault, intent to ravish | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Burglary and grand larceny | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | --- | 1 |
| Concealed weapons | 35 | 15 | 11 | 9 | --- | --- | --- | 1 | --- | 14 | --- |
| Cruelty to animals | 3 | --- | 3 | --- | --- | --- | --- | --- | --- | --- | --- |
| Defacing public building | 3 | 1 | 2 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Defamation | 2 | --- | 1 | --- | 1 | --- | --- | --- | --- | --- | --- |
| Defaulting road hand | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Destroying fence | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Disturbing religious worship | 9 | --- | 4 | 5 | --- | --- | --- | --- | --- | --- | --- |
| Embezzlement | 18 | --- | 4 | --- | 14 | --- | --- | --- | --- | --- | --- |
| Extortion | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| False pretense | 6 | --- | 5 | 1 | --- | --- | --- | --- | --- | --- | --- |
| Gaming | 17 | 13 | 3 | 1 | --- | --- | --- | --- | --- | 13 | --- |
| Larceny, grand | 4 | 1 | 1 | 1 | 1 | --- | 1 | --- | --- | --- | --- |
| Larceny, petit | 6 | 1 | 3 | 2 | --- | --- | --- | --- | --- | 1 | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Peace proceedings | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| Presenting gun | 7 | --- | 6 | 1 | --- | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 10 | 2 | 5 | 3 | --- | --- | --- | --- | --- | 2 | --- |
| Railroad car, failure to keep water on | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| Receiving stolen property | 4 | 1 | 1 | 2 | --- | --- | --- | --- | --- | 1 | --- |
| Removing mortgaged property | 5 | --- | 3 | 2 | --- | --- | --- | --- | --- | --- | --- |
| Resisting officer | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Rocking train | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| Search warrant | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 | --- |
| Trespass after warning | 25 | 6 | 14 | 5 | --- | --- | --- | --- | --- | 6 | --- |
| Unlawful inury to animal | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |

CITY COURT OF BESSEMER—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | |
| Vagrancy | 8 | 5 | 2 | 1 | --- | --- | --- | --- | --- | 5 | --- |
| Violating prohibition law | 7 | 3 | 3 | 1 | --- | --- | --- | --- | --- | 3 | --- |
| Violating revenue law | 41 | 10 | 17 | 14 | --- | --- | --- | --- | --- | 10 | --- |
| Violating Sunday law | 3 | 1 | 2 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Total | 420 | 156 | 169 | 76 | 19 | --- | 2 | 4 | --- | 149 | 1 |

Percentage of convictiins in cases disposed of, 37.
Predominant crime, Retailing.

## CITY COURT OF GADSDEN.

Hon. Woodson J. Martin, Solicitor, Gadsden.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Abandonment | 1 | | | 1 | | | | | | |
| Abusive language | 21 | 16 | | 5 | | | | | | 16 |
| Adultery and fornication | 5 | 1 | | 2 | 2 | | | | | 1 |
| Affray | 2 | 2 | | | | | | | | 2 |
| Assault and battery | 13 | 12 | | 1 | | | | 1 | | 11 |
| Assault and battery with weapon | 26 | 21 | 1 | 1 | 3 | | | 2 | | 19 |
| Assault, intent to murder | 10 | 6 | | 3 | 1 | | | 6 | | |
| Assault, intent to ravish | 1 | | | 1 | | | | | | |
| Bigamy | 1 | 1 | | | | | | 1 | | |
| Burglary | 2 | 2 | | | | | | 2 | | |
| Burglary and grand larceny | 1 | | | | 1 | | | | | |
| Concealed weapons | 24 | 12 | 1 | 7 | 4 | | | 4 | | 8 |
| Concealing stolen property | 1 | | | | 1 | | | | | |
| Defamation | 2 | 2 | | | | | | 1 | | 1 |
| Disturbing females | 1 | 1 | | | | | | | | 1 |
| Disturbing religious worship | 10 | 4 | 3 | 3 | | | | | | 4 |
| Embezzlement | 2 | 1 | | 1 | | | | 1 | | |
| Forgery, first degree | 8 | 2 | 1 | 5 | | | 2 | | | |
| Larceny, grand | 7 | 4 | | 2 | 1 | | | 4 | | |
| Malicious mischief | 1 | | | 1 | | | | | | |
| Manslaughter, first degree | 4 | 1 | 1 | 2 | | | | 1 | | |
| Murder, first degree | 8 | 8 | | | | 4 | 4 | | | |
| Murder, second degree | 1 | 1 | | | | | 1 | | | |
| Obstructing public road | 2 | | 2 | | | | | | | |
| Playing cards, public place | 9 | 9 | | | | | | 1 | | 8 |
| Presenting gun | 2 | 1 | | 1 | | | | | | 1 |
| Prostitution | 1 | 1 | | | | | | | | 1 |
| Public drunkenness | 7 | 5 | 1 | 1 | | | | | | 5 |
| Retailing | 25 | 13 | | 9 | 3 | | | 3 | | 10 |
| Robbery | 1 | 1 | | | | | 1 | | | |
| Selling liquor to minor | 9 | 5 | | 4 | | | | | | 5 |
| Shooting across public road | 4 | 3 | | 1 | | | | | | 3 |
| Throwing missle into car | 1 | 1 | | | | | | | | 1 |
| Violating stock law | 5 | 2 | 1 | 2 | | | | | | 2 |
| Total | 218 | 138 | 11 | 53 | 16 | 4 | 8 | 27 | | 99 |

Percentage of convictions in cases disposed of, 63.
Predominant crime, Assault and battery with weapon.

## CITY COURT OF MOBILE.

Hon. J. H. Webb, Solicitor, Mobile, Ala.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | | | 1 | | | | | | |
| Abusive language | 20 | 16 | 4 | | | | | 3 | 5 | 8 |
| Arson, first degree | 2 | 1 | 1 | | | | 1 | | | |
| Arson, second degree | 1 | 1 | | | | | | 1 | | |
| Assault and battery | 61 | 46 | 11 | 4 | | | | 19 | 3 | 24 |
| Assault and battery with weapon | 39 | 32 | 4 | 2 | 1 | | | 11 | 6 | 15 |
| Assault, intent to murder | 59 | 48 | 6 | 5 | | | 21 | 25 | 1 | 1 |
| Attempt to commit sodomy | 1 | 1 | | | | | | 1 | | |
| Bigamy | 1 | 1 | | | | | | 1 | | |
| Burglary | 19 | 17 | 1 | 1 | | | 10 | 7 | | |
| Burglary and grand larceny | 11 | 11 | | | | | 4 | 7 | | |
| Burglary, G. L. and R. S. G. | 5 | 5 | | | | | 1 | 4 | | |
| Concealed weapons | 20 | 20 | | | | | | 10 | 3 | 7 |
| Crime against nature | 2 | 2 | | | | | | 1 | 1 | |
| Defamation | 1 | | 1 | | | | | | | |
| Embezzlement | 15 | 7 | 2 | 6 | | | 2 | 5 | | |
| False pretense | 3 | 1 | | 2 | | | | 1 | | |
| Forgery, first degree | 11 | 9 | | 2 | | | 7 | 2 | | |
| Forgery, second degree | 1 | | | 1 | | | | | | |
| Gaming | 16 | 13 | | 3 | | | | | 8 | 5 |
| Larceny, grand | 113 | 96 | 10 | 5 | 2 | | 29 | 64 | 3 | |
| Larceny, petit | 14 | 10 | 2 | 2 | | | | 8 | 2 | |
| Malicious mischief | 1 | | | 1 | | | | | | |
| Manslaughter, first degree | 13 | 12 | 1 | | | | 6 | 6 | | |
| Manslaughter, second degree | 3 | 3 | | | | | | | 3 | |
| Murder, first degree | 15 | 12 | 3 | | | 1 | 11 | | | |
| Murder, second degree | 5 | 4 | 1 | | | | 4 | | | |
| Perjury | 2 | 1 | | | 1 | | 1 | | | |
| Practicing medicine without license | 3 | 3 | | | | | | | | 3 |
| Rape | 3 | 3 | | | | | 2 | 1 | | |
| Receiving stolen property | 1 | | | 1 | | | | | | |
| Re'ving or destroying b'ndary mark | 1 | | 1 | | | | | | | |
| Resisting officer | 2 | 1 | 1 | | | | | | 1 | |
| Robbery | 2 | 2 | | | | | 1 | 1 | | |
| Selling liquor to minor | 2 | 2 | | | | | | | | 2 |
| Trespass after warning | 1 | | 1 | | | | | | | |

CITY COURT OF MOBILE—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Vagrancy | 4 | --- | 3 | 1 | --- | --- | --- | --- | --- | --- |
| Violating revenue law | 11 | 10 | --- | 1 | --- | --- | --- | --- | 1 | 9 |
| Violating Sunday law | 19 | 16 | 2 | 1 | --- | --- | --- | --- | 3 | 13 |
| Violating sunrise and sunset law | 3 | 1 | 1 | --- | 1 | --- | --- | --- | --- | 1 |
| Total | 507 | 407 | 56 | 39 | 5 | 1 | 100 | 178 | 40 | 88 |

Percentage of convictions in cases disposed of, 80.
Predominant crime, Grand larceny.

## CITY COURT OF MONTGOMERY.

Hon. S. H. Dent, Jr., Solicitor, Montgomery.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 5 | 2 | 1 | 2 | --- | --- | --- | --- | --- | 2 |
| Adultery and fornication | 4 | 1 | 2 | --- | 1 | --- | --- | --- | --- | 1 |
| Affray | 8 | 6 | 1 | 1 | --- | --- | --- | 1 | --- | 5 |
| Arson, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Arson, second degree | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- |
| Assault and battery | 95 | 74 | 10 | 8 | 3 | --- | --- | 26 | --- | 48 |
| Assault, intent to ravish | 5 | 3 | --- | 2 | --- | --- | 3 | --- | --- | --- |
| Asslt, intent to ravish, girl under 14 | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Attempt at escape | 6 | 4 | --- | 1 | 1 | --- | --- | 4 | --- | --- |
| Bigamy | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Burglary | 51 | 43 | 3 | 3 | 2 | --- | 43 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 2 | --- | 1 | --- | 1 | --- | --- | --- | --- | --- |
| Concealed weapons | 37 | 20 | 6 | 9 | 2 | --- | --- | 8 | --- | 12 |
| Conspiracy | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Defaulting road hand | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 2 | 2 | --- | --- | --- | --- | 1 | --- | --- | 1 |
| Duelling | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Embezzlement | 25 | 4 | 5 | 15 | 1 | --- | 1 | 3 | --- | --- |
| Enticing laborer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Escape | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| False pretense | 7 | 1 | --- | 5 | 1 | --- | --- | 1 | --- | --- |
| Firearms, using in public place | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Forgery, second degree | 16 | 14 | 1 | 1 | --- | --- | 14 | --- | --- | --- |
| Gaming | 54 | 34 | 4 | 14 | 2 | --- | --- | 3 | --- | 31 |
| Insured property, burning | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Keeping gaming table | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | --- |
| Keeping house of prostitution | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 152 | 108 | 18 | 15 | 11 | --- | 95 | 13 | --- | --- |
| Larceny, petit | 20 | 16 | --- | 2 | 2 | --- | --- | 4 | --- | 12 |
| Lottery | 3 | 2 | --- | --- | 1 | --- | --- | --- | --- | 2 |
| Mahem | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Malicious mischief | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- |
| Manslaughter, first degree | 7 | 7 | --- | --- | --- | --- | 4 | 3 | --- | --- |
| Manslaughter, second degree | 5 | 5 | --- | --- | --- | --- | --- | 3 | --- | 2 |
| Murder, first degree | 37 | 26 | 6 | 2 | 3 | 2 | 24 | --- | --- | --- |
| Murder, second degree | 8 | 5 | 2 | 1 | --- | --- | 5 | --- | --- | --- |
| Obstructing public road | 3 | 2 | --- | --- | 1 | --- | --- | --- | --- | 2 |

CITY COURT OF MONTGOMERY—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Perjury | 3 | --- | 1 | 1 | 1 | --- | --- | --- | --- | --- |
| Permitting gaming, public place | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Presenting gun | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Rape | 7 | 4 | 2 | --- | 1 | --- | 4 | --- | --- | --- |
| Receiving stolen property | 7 | 5 | 2 | --- | --- | --- | --- | 2 | --- | 3 |
| Removing property under lien | 8 | 2 | --- | 6 | --- | --- | --- | --- | --- | 2 |
| Resisting officer | 4 | 2 | --- | 1 | 1 | --- | --- | 1 | --- | 1 |
| Robbery | 6 | 6 | --- | --- | --- | --- | 6 | --- | --- | --- |
| Selling liquor to minor | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Trespass after warning | 5 | 1 | 1 | 2 | 1 | --- | --- | --- | --- | 1 |
| Unlawfully riding on train | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawfully changing name | 4 | 2 | --- | --- | 2 | --- | --- | 2 | --- | - |
| Vagrancy | 8 | 5 | 1 | 2 | --- | --- | --- | 2 | --- | 3 |
| Violating prohibition law | 12 | 8 | 3 | --- | 1 | --- | --- | 2 | --- | 6 |
| Violating revenue law | 16 | 10 | 1 | 4 | 1 | --- | --- | --- | --- | 10 |
| Violating Sunday law | 5 | 4 | 1 | --- | --- | --- | --- | --- | --- | 4 |
| Violating written contract | 12 | 8 | 3 | --- | 1 | --- | --- | 2 | --- | 6 |
| Total | 682 | 457 | 83 | 101 | 41 | 2 | 204 | 84 | --- | 167 |

Percentage of convictions in cases disposed of, 67.
Predominant crime, Grand larceny.

## CITY COURT OF TALLADEGA.

Hon. Alex. M. Garber, Solicitor, Talladega, Ala.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 28 | 19 | 1 | 8 | --- | --- | --- | --- | --- | 19 |
| Adultery and fornication | 4 | 3 | --- | 1 | --- | --- | --- | --- | --- | 3 |
| Affray | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Arson, third degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Assault and battery | 8 | 7 | 1 | --- | --- | --- | --- | 1 | --- | 6 |
| Assault and battery with weapon | 56 | 44 | 6 | 6 | --- | --- | --- | 4 | --- | 40 |
| Assault, intent to murder | 10 | 7 | 1 | 2 | --- | --- | 7 | --- | --- | --- |
| Assault, intent to ravish | 3 | 1 | --- | 1 | 1 | --- | 1 | --- | --- | --- |
| Assault, intent to rob | 2 | 1 | --- | --- | 1 | --- | 1 | --- | --- | --- |
| Assault with weapon | 22 | 17 | 3 | 2 | --- | --- | --- | 3 | --- | 14 |
| Burglary | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Burglary and grand larceny | 8 | 6 | 1 | 1 | --- | --- | 6 | --- | --- | --- |
| oncealed weapons | 60 | 42 | 5 | 13 | --- | --- | --- | 11 | --- | 31 |
| Crime against nature | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Defamation | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 5 | 3 | --- | 2 | --- | --- | 1 | --- | --- | 2 |
| Disturbing females | 6 | 6 | --- | --- | --- | --- | --- | 1 | --- | 5 |
| Disturbing religious worship | 12 | 10 | --- | 2 | --- | --- | --- | 1 | --- | 9 |
| Embezzlement | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Enticing servant under contract | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Exchanging choking mule | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Forgery, second degree | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Gaming | 10 | 8 | --- | 2 | --- | --- | --- | 1 | --- | 7 |
| Keeping bawdy house | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 26 | 20 | 3 | 3 | --- | --- | 18 | 2 | --- | --- |
| Larceny, petit | 27 | 20 | 2 | 5 | --- | --- | --- | 3 | --- | 17 |
| Manslaughter, first degree | 5 | 2 | 3 | --- | --- | --- | 1 | 1 | --- | --- |
| Manslaughter, second degree | 3 | 1 | 1 | 1 | --- | --- | --- | 1 | --- | --- |
| Murder, first degree | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Murder, second degree | 5 | 4 | 1 | --- | --- | --- | 4 | --- | --- | --- |
| Obstruction on railroad | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Permitting minor to play pool | 5 | 3 | --- | 2 | --- | --- | --- | --- | --- | 3 |
| Practicing medicine without license | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Presenting gun | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 40 | 30 | 3 | 7 | --- | --- | --- | --- | --- | 30 |
| Resisting officer | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |

CITY COURT OF TALLADEGA—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | Number of sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Retailing | 10 | 5 | 1 | 4 | --- | --- | --- | --- | --- | 5 |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Seduction | 3 | 2 | --- | 1 | --- | --- | 2 | --- | --- | --- |
| Selling liquor to minor | 10 | 5 | 1 | 4 | --- | --- | --- | --- | --- | 5 |
| Sending threatening letter | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Shooting across public road | 9 | 7 | --- | 2 | --- | --- | --- | --- | --- | 7 |
| Trespass after warning | 6 | 1 | 1 | 4 | --- | --- | --- | --- | --- | 1 |
| Unlawfully applying brake on train | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawfully riding on train | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 4 | 1 | --- | 3 | --- | --- | --- | --- | --- | 1 |
| Violating contract with surety, confessed judgment | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Violating revenue law | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating Sunday law | 12 | 10 | --- | 2 | --- | --- | --- | --- | --- | 10 |
| Total | 437 | 311 | 37 | 87 | 2 | --- | 53 | 31 | --- | 227 |

Percentage of convictions in cases disposed of, 71.
Predominant crime, Concealed weapons.

## CITY COURT OF SELMA.

Hon. W. W. Quarles, Solicitor, ex-officio, Selma; succeeded by Hon. J. F. Thompson, Centerville, November, 1904.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Arson, first degree | 4 | 1 | 1 | 2 | --- | --- | 1 | --- | --- | --- |
| Assault and battery | 12 | 9 | --- | 2 | 1 | --- | --- | 1 | --- | 8 |
| Assault and battery with weapon | 11 | 11 | --- | --- | --- | --- | --- | 1 | --- | 10 |
| Assault, intent to murder | 7 | 3 | --- | 3 | 1 | --- | --- | 3 | --- | --- |
| Burglary | 27 | 12 | 5 | 9 | 1 | --- | 4 | 8 | --- | --- |
| Concealed weapons | 15 | 5 | 6 | 4 | --- | --- | --- | 4 | --- | 1 |
| Escape | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 3 | 2 | --- | 1 | --- | --- | --- | --- | 1 | 1 |
| Forgery, first degree | 10 | 2 | --- | 8 | --- | --- | 1 | 1 | --- | --- |
| Gaming | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 10 | 5 | --- | 4 | 1 | --- | 2 | 3 | --- | --- |
| Larceny, petit | 10 | 7 | --- | 3 | --- | --- | --- | 1 | --- | 6 |
| Malicious mischief | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Manslaughter, first degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Manslaughter, second degree | 3 | 2 | 1 | --- | --- | --- | --- | 1 | --- | 1 |
| Mescegenation | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 7 | 3 | 2 | 2 | --- | --- | 3 | --- | --- | --- |
| Robbery | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Selling choking animal | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Selling mortgaged property | 3 | *1 | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 2 | 1 | --- | --- | 1 | --- | --- | --- | --- | 1 |
| Trespass after warning | 4 | 1 | 1 | 2 | --- | --- | --- | 1 | --- | --- |
| Violating prohibition law | 41 | 7 | 5 | 15 | 14 | --- | --- | --- | --- | 7 |
| Violating revenue law | 3 | --- | --- | 2 | 1 | --- | --- | --- | --- | --- |
| Total | 184 | 76 | 25 | 63 | 20 | --- | 11 | 27 | 1 | 36 |

Percentage of convictions in cases disposed of, 41.
Predominant crime, Violating prohibition law.

*Pardoned—Selling mortgaged property, one.

## COUNTY COURT OF CLAY.

Hon. E. J. Garrison, Solicitor, Ashland.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 18 | 15 | 1 | 3 | --- | --- | --- | --- | --- | 15 |
| Affray | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Allowing stock to run at large | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault | 10 | 8 | 1 | 1 | --- | --- | --- | --- | --- | 8 |
| Assault and battery | 10 | 6 | 1 | 3 | --- | --- | --- | --- | --- | 6 |
| Concealed weapons | 10 | 7 | 1 | 2 | --- | --- | --- | --- | 1 | 6 |
| Cruelty to animals | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Defacing public building | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Defamation | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 7 | 4 | 1 | 2 | --- | --- | --- | --- | --- | 4 |
| Gaming | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, petit | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Malicious mischief | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Manslaughter, first degree | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Presenting gun | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Public drunkenness | 13 | 7 | 2 | 4 | --- | --- | --- | --- | --- | 7 |
| Resisting officer | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Retailing | 13 | 7 | 5 | 1 | --- | --- | --- | --- | --- | 7 |
| Selling mortgaged property | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating prohibition law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 5 | 2 | 2 | 1 | --- | --- | --- | --- | --- | 2 |
| Total | 109 | 67 | 22 | 20 | --- | --- | --- | --- | 1 | 66 |

Percentage of convictions in cases disposed of, 61.
Predominant crime, Abusive language.

## COUNTY COURT OF CLEBURNE.

Hon. W. B. Merrill, Solicitor, Heflin.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | Number of sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Abusive language | 16 | 13 | 2 | 1 | --- | --- | --- | --- | --- | 13 |
| Affray | 6 | 3 | 3 | --- | --- | --- | --- | --- | --- | 3 |
| Assault with weapon | 6 | 4 | 2 | --- | --- | --- | --- | --- | --- | 4 |
| Assault and battery | 6 | 4 | 2 | --- | --- | --- | --- | --- | --- | 4 |
| Assault, intent to murder | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Burglary | 5 | 5 | --- | --- | --- | --- | 5 | --- | --- | --- |
| Concealed weapons | 9 | 8 | --- | 1 | --- | --- | --- | --- | --- | 8 |
| Cruelty to animals | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Defamation | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defaulting road hand | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 7 | 7 | --- | --- | --- | --- | --- | --- | --- | 7 |
| Larceny, grand | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Malicious mischief | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Public drunkenness | 30 | 25 | 5 | --- | --- | --- | --- | --- | --- | 25 |
| Retailing | 6 | 6 | --- | --- | --- | --- | --- | --- | --- | 6 |
| Selling liquor to minor | 6 | 5 | 2 | 1 | --- | --- | --- | --- | --- | 3 |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawfully riding on train | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Vagrancy | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Violating Sunday law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 112 | 91 | 16 | 5 | --- | --- | 6 | 2 | --- | 83 |

Percentage of convictions in cases disposed of, 82.
Predominant crime, Public drunkenness.

## COUNTY OF JACKSON.

(Two years ending September 30, 1906.)

Hon. John F. Proctor, Solicitor, Scottsboro.

(Including all cases tried in County and Circuit Courts.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 27 | 19 | 2 | 6 | --- | --- | --- | --- | --- | 19 |
| Adultery and fornication | 7 | 4 | 1 | 2 | --- | --- | --- | 2 | --- | 2 |
| Arson, first degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Arson, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault | 11 | 6 | 3 | 2 | --- | --- | --- | --- | --- | 6 |
| Assault and battery with weapon | 10 | 9 | 1 | --- | --- | --- | --- | 1 | --- | 8 |
| Assault, intent to murder | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Burglary | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Carnal knowledge, girl over 10 | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| Concealed weapons | 21 | 14 | 3 | 4 | --- | --- | --- | 1 | --- | 13 |
| Defaulting road hand | 9 | 3 | 3 | 3 | --- | --- | --- | --- | --- | 3 |
| Disposing property under lien | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Distilling | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Disturbing religious worship | 13 | 12 | 1 | --- | --- | --- | --- | 1 | --- | 11 |
| Disturbing school | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| False pretense | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Forgery, first degree | 3 | 2 | --- | 1 | --- | --- | 2 | --- | --- | --- |
| Gaming | 28 | 20 | 5 | 3 | --- | --- | --- | --- | --- | 20 |
| Injury to telephone | 12 | 12 | --- | --- | --- | --- | --- | --- | --- | 12 |
| Larceny, grand | 8 | 6 | 2 | --- | --- | --- | 6 | --- | --- | --- |
| Larceny, petit | 12 | 10 | 2 | --- | --- | --- | --- | 1 | --- | 9 |
| Malicious mischief | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Manslaughter, first degree | 4 | 4 | --- | --- | --- | --- | 3 | --- | --- | 1 |
| Murder, first degree | 3 | 2 | 1 | --- | --- | --- | 2 | --- | --- | --- |
| Murder, second degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Over-charge on ferry | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Perjury | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Presenting gun | 3 | 1 | 1 | 1 | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 5 | 4 | --- | 1 | --- | --- | --- | --- | --- | 4 |
| Raffling | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Retailing | 29 | 9 | 7 | 13 | --- | --- | --- | 1 | --- | 8 |
| Selling cigarettes to minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Temporary use of animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 7 | 3 | 2 | 2 | --- | --- | --- | --- | --- | 3 |

COUNTY COURT OF JACKSON—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Vagrancy | 3 | --- | 3 | --- | --- | --- | --- | --- | --- | --- |
| Violating road law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating stock law | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Total | 246 | 156 | 44 | 45 | 1 | --- | 17 | 8 | --- | 131 |

Percentage of convictions in cases disposed of, 63.
Predominant crime, Retailing.

COUNTY COURT OF SUMTER.

Hon. James A. Mitchell, Solicitor.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Abusive language | 12 | 6 | 3 | 3 | --- | --- | --- | --- | --- | 6 |
| Affray | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault and battery | 15 | 14 | --- | 1 | --- | --- | --- | --- | --- | 14 |
| Assault and battery with weapon | 42 | 35 | 2 | 5 | --- | --- | --- | 4 | --- | 31 |
| Concealed weapons | 22 | 13 | 5 | 4 | --- | --- | --- | 4 | --- | 9 |
| Disturbing religious worship | 3 | 2 | --- | --- | 1 | --- | --- | --- | --- | 2 |
| Escape | 2 | 2 | --- | --- | --- | --- | --- | 1 | --- | 1 |
| False pretense | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Gaming | 44 | 41 | 43 | --- | --- | --- | --- | 1 | --- | 40 |
| Larceny, petit | 8 | 5 | 3 | --- | --- | --- | --- | 3 | --- | 2 |
| Obstructing stream | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Presenting gun | 7 | 5 | 2 | --- | --- | --- | --- | --- | --- | 5 |
| Public drunkenness | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Shooting across public road | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawful injury to animal | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Violating contract, with surety confessed judgment | 7 | 6 | 1 | --- | --- | --- | --- | 3 | --- | 3 |
| Violating game law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating prohibition law | 40 | 31 | 2 | 6 | 1 | --- | --- | 3 | --- | 28 |
| Violating revenue law | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Violating Sunday law | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Total | 221 | 172 | 24 | 23 | 2 | --- | --- | 20 | --- | 152 |

Percentage of convictions in cases disposed of, 78.
Predominant crime, Gaming.

COUNTY COURT OF TUSCALOOSA.

Hon. C. B. Verner, Solicitor, Tuscaloosa.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | |
| Abusive language | 21 | 18 | 1 | 2 | --- | --- | --- | --- | --- | 18 | --- |
| Adultery and fornication | 13 | 9 | 2 | 2 | --- | --- | --- | 1 | 1 | 7 | --- |
| Arson, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- |
| Assault and battery | 40 | 31 | 3 | 5 | 1 | --- | --- | --- | --- | 31 | --- |
| Ass'lt and battery with weapon | 51 | 44 | 5 | 2 | --- | --- | --- | 5 | --- | 39 | --- |
| Assault, intent to murder | 5 | 2 | 2 | 1 | --- | --- | 2 | --- | --- | --- | --- |
| Assault, intent to rob | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- |
| Attempt at burglary | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Bigamy | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- | --- |
| Burglary | 7 | 6 | --- | 1 | --- | --- | 6 | --- | --- | --- | --- |
| Concealed weapons | 58 | 48 | 4 | 6 | --- | --- | --- | *12 | 1 | 38 | --- |
| Decoying child | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Defacing church | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Defamation | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 8 | 2 | 5 | 1 | --- | --- | --- | --- | --- | 2 | --- |
| Embezzlement | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| Escape | 3 | 1 | --- | 2 | --- | --- | --- | 1 | --- | --- | --- |
| False pretense | 15 | 9 | 3 | 3 | --- | --- | --- | --- | --- | 9 | --- |
| Forgery, first degree | 5 | 3 | 2 | --- | --- | --- | 3 | --- | --- | --- | --- |
| Forgery, second degree | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- | --- |
| Gaming | 48 | 44 | 4 | --- | --- | --- | --- | 3 | 1 | 40 | --- |
| Indecent exposure | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |
| Larceny, grand | 16 | 12 | 1 | 3 | --- | --- | 9 | 4 | --- | --- | --- |
| Larceny, petit | 43 | 35 | 1 | 7 | --- | --- | --- | 7 | 2 | 24 | 2 |
| Malicious mischief | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 | --- |
| Manslaughter, second degree | 5 | 5 | --- | --- | --- | --- | --- | 2 | --- | 3 | --- |
| Murder, first degree | 21 | 13 | 6 | 2 | --- | 1 | 10 | 2 | --- | --- | --- |
| Murder, second degree | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- | --- |
| Peddling without license | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 | --- |
| Perjury | 3 | --- | --- | 2 | 1 | --- | --- | --- | --- | --- | --- |
| Presenting gun | 31 | 1 | 2 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Public drunkenness | 17 | 16 | 1 | --- | --- | --- | --- | --- | --- | 16 | --- |
| Rape | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- |
| Seduction | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- | --- |
| Selling mortgaged property | 5 | 2 | 1 | 2 | --- | --- | --- | --- | --- | 2 | --- |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 | --- |

COUNTY COURT OF TUSCALOOSA—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured | Reformatory |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | | |
| Soliciting order, prohibition district | 6 | 6 | --- | --- | --- | --- | --- | --- | --- | 6 | --- |
| Trespass after warning | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 | --- |
| Unlawful injury to animal | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 | --- |
| Unlawfully riding on train | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 | --- |
| Unlawfully signalling train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- | --- |
| Vagrancy | 4 | 2 | 2 | --- | --- | --- | --- | 1 | --- | 1 | --- |
| Violating automobile law | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 | --- |
| Violating contract with surety, confessed judgment | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- |
| Violating prohibition law | 74 | 50 | 5 | 18 | 1 | --- | --- | 7 | --- | 43 | --- |
| Violating revenue law | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 | --- |
| Violating Sunday law | 15 | 13 | --- | 2 | --- | --- | --- | --- | --- | 13 | --- |
| Violating written contract | 5 | 5 | --- | --- | --- | --- | --- | 3 | --- | 2 | --- |
| Total | 531 | 404 | 57 | 67 | 1 | 36 | 52 | 5 | 310 | --- | 2 |

Percentage of convictions disposed of, 76.
Predominant crime, Violating prohibition law.
*Hard labor and fine in same case.

## LAW COURT OF PIKE COUNTQ.

(Two years ending September 30, 1906.)

Hon. E. R. Brannen, Solicitor, Troy.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 20 | 11 | 2 | 5 | 2 | --- | --- | --- | --- | 11 |
| Adultery and fornication | 10 | 4 | 4 | 2 | --- | --- | --- | --- | --- | 4 |
| Affray | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Arson, third degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Assault and battery | 50 | 28 | 12 | 9 | 1 | --- | --- | 1 | --- | 27 |
| Breaking fence | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 55 | 41 | 7 | 6 | 1 | --- | --- | 7 | --- | 34 |
| Cruelty to animals | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defaulting road overseer | 5 | 1 | 2 | 2 | --- | --- | --- | --- | --- | 1 |
| Disturbing females | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| False pretense | 9 | 8 | 1 | --- | --- | --- | --- | --- | --- | 8 |
| Gaming | 5 | --- | --- | 5 | --- | --- | --- | --- | --- | --- |
| Larceny, petit | 20 | 12 | 6 | 2 | --- | --- | --- | 5 | --- | 7 |
| Playing cards, public place | 10 | 7 | 2 | 1 | --- | --- | --- | --- | --- | 7 |
| Practising dentistry without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Presenting gun | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Retailing | 10 | 8 | 2 | --- | --- | --- | --- | 2 | --- | 6 |
| Selling mortgaged property | 5 | 3 | --- | 2 | --- | --- | --- | 1 | --- | 2 |
| Shooting across public road | 10 | 7 | 1 | 2 | --- | --- | --- | --- | --- | 7 |
| Trespass after warning | 5 | 2 | 2 | 1 | --- | --- | --- | --- | --- | 2 |
| Trespass by cutting timber | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Unlawful injury to animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Unlawfully riding on train | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Violating contract with surety, confessed judgment | 9 | 6 | --- | 2 | 1 | --- | --- | 1 | --- | 5 |
| Violating Sunday law | 42 | 30 | 5 | 7 | --- | --- | --- | --- | --- | 30 |
| Total | 282 | 183 | 48 | 46 | 5 | --- | --- | 18 | --- | 165 |

Percentage of convictions in cases disposed of, 65.
Predominant crime, Concealed weapons.

## CRIMINAL COURT OF JEFFERSON COUNTY.

(Two years ending September 30, 1906.)

Hon. H. P. Heflin, Solicitor.

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 522 | 187 | 120 | 159 | 56 | --- | --- | 57 | 21 | 109 |
| Affray | 6 | 1 | 2 | 3 | --- | --- | --- | 1 | --- | --- |
| Aiding escape | 4 | --- | 1 | 3 | --- | --- | --- | --- | --- | --- |
| Allowing sheep killing dog to run at large | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Appeals, M. & A. Adamsville | 8 | 1 | 1 | 6 | --- | --- | --- | --- | --- | 1 |
| Appeals, M. & A. Birmingham | 240 | 76 | 80 | 69 | 15 | --- | --- | 8 | --- | 68 |
| Appeals, M. & A. Brighton | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Appeals, M. & A. East Lake | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Appeals, M. & A. Ensley | 34 | 15 | 6 | 10 | 3 | --- | --- | --- | --- | 15 |
| Appeals, M. & A. Pratt City | 26 | 8 | 4 | 14 | --- | --- | --- | 1 | --- | 7 |
| Appeals, M. & A. Wylam | 7 | 2 | 5 | --- | --- | --- | --- | --- | --- | 2 |
| Arson, second degree | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Assault and battery | 277 | 85 | 57 | 106 | 29 | --- | --- | 25 | 1 | 59 |
| Assault and battery with weapon | 530 | 230 | 95 | 138 | 67 | --- | --- | 135 | 6 | 89 |
| Assault, intent to murder | 102 | 25 | 28 | 32 | 17 | --- | 10 | 15 | --- | --- |
| Assault, intent to ravish | 4 | 1 | 2 | --- | 1 | --- | 1 | --- | --- | --- |
| Assault, intent to rob | 4 | 1 | 2 | 1 | --- | --- | 1 | --- | --- | --- |
| Attempt at arson | 2 | --- | --- | 2 | --- | --- | --- | 4 | --- | --- |
| Attempt at burglary | 7 | 4 | 1 | 2 | --- | --- | --- | 4 | --- | --- |
| Attempt at crime against nature | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Bigamy | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Bribery | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Bringing stolen property into the state | 2 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- |
| Burglary | 21 | 9 | 6 | 3 | 3 | --- | 6 | 3 | --- | --- |
| Burglary and grand larceny | 144 | 98 | 15 | 22 | 9 | --- | 38 | 60 | --- | --- |
| Carnal knowledge, girl under 10 | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Champerty | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 196 | 78 | 37 | 59 | 22 | --- | --- | 45 | 5 | 28 |
| Conspiracy | 7 | 2 | 1 | --- | 4 | --- | --- | --- | --- | 2 |
| Contract, taking property uuder void | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Crime against nature | 3 | 2 | --- | 1 | --- | --- | 1 | 1 | --- | --- |
| Cruelty to animals | 2 | 1 | --- | --- | 1 | --- | --- | --- | --- | 1 |
| Decoying child | 11 | 1 | 2 | 6 | 2 | --- | --- | --- | 1 | --- |
| Defacing public building | 3 | --- | 2 | 1 | --- | --- | --- | --- | --- | --- |

CRIMINAL COURT OF JEFFERSON COUNTY—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Defamation | 51 | 6 | 13 | 23 | 9 | --- | --- | 1 | --- | 5 |
| Defaulting road hand | 3 | --- | 3 | --- | --- | --- | --- | --- | --- | --- |
| Defaulting witness | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 6 | --- | --- | 5 | 1 | --- | --- | --- | --- | --- |
| Disturbing females | 4 | --- | --- | --- | 4 | --- | --- | --- | --- | --- |
| Disturbing religious worship | 14 | 2 | 6 | 6 | --- | --- | --- | --- | --- | 2 |
| Embezzlement | 68 | 9 | 9 | 34 | 16 | --- | 2 | 6 | --- | 1 |
| False pretense | 54 | 5 | 18 | 17 | 14 | --- | --- | 4 | 1 | --- |
| Forbery, second degree | 34 | 16 | 2 | 13 | 3 | --- | 8 | 8 | --- | --- |
| Forgery, third degree | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Fraudulent conveyance | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Fugitive from justice | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Gaming | 36 | 18 | 1 | 15 | 2 | --- | --- | 5 | --- | 13 |
| Interfering with railroad | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Intimidation | 17 | --- | 2 | 2 | 13 | --- | --- | --- | --- | --- |
| Incest | 3 | 1 | 1 | 1 | --- | --- | --- | 1 | --- | --- |
| Jumping on or off moving train | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Keeping gaming table | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Kidnapping | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Larceny, grand | 283 | 167 | 36 | 61 | 19 | --- | 35 | 132 | --- | --- |
| Larceny, petit | 149 | 78 | 24 | 36 | 11 | --- | --- | 62 | 16 | --- |
| Mahem | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Malicious mischief | 12 | 1 | 3 | 6 | 2 | --- | --- | --- | --- | 1 |
| Manslaughter, first degree | 16 | 11 | 3 | 2 | --- | --- | 8 | 3 | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Miscegenation | 3 | 2 | 1 | --- | --- | --- | 1 | 1 | --- | --- |
| Murder, first degree | 52 | 17 | 19 | 11 | 5 | 6 | 11 | --- | --- | --- |
| Murder, second degree | 20 | 16 | 4 | --- | --- | --- | 16 | --- | --- | --- |
| Obstructing public road | 3 | --- | 1 | 2 | --- | --- | --- | --- | --- | --- |
| Peace proceedings | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Perjury | 7 | 1 | 1 | 2 | 3 | --- | --- | 1 | --- | --- |
| Permitting minor to play pool | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Practicing destistry without license | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Presenting gun | 47 | 13 | 7 | 22 | 5 | --- | --- | 4 | --- | 9 |
| Public drunkenness | 26 | 13 | 2 | 9 | 2 | --- | --- | 8 | 1 | 4 |
| Rape | 5 | 1 | 3 | 1 | --- | --- | 1 | --- | --- | --- |
| Receiving stolen property | 17 | 2 | 3 | 10 | 2 | --- | --- | 2 | --- | --- |
| Refusing to pay board | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Removing property under lien | 7 | --- | 4 | 2 | 1 | --- | --- | --- | --- | --- |
| Resisting officer | 3 | --- | --- | 2 | 1 | --- | --- | --- | --- | --- |
| Robbery | 33 | 8 | 9 | 15 | 1 | --- | 8 | --- | --- | --- |
| Seats, failure of employer to pro- | | | | | | | | | | |

CRIMINAL COURT OF JEFFERSON COUNTY—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| vide for female clerks | 4 | --- | 3 | 1 | --- | --- | --- | --- | --- | --- |
| Seduction | 3 | --- | 1 | --- | 2 | --- | --- | --- | --- | --- |
| Selling liquor to minor | 5 | --- | 1 | 4 | --- | --- | --- | --- | --- | --- |
| Selling choking mule | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Sending threatening letter | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Slot machine | 4 | 2 | --- | 1 | 1 | --- | --- | --- | --- | 2 |
| Shooting across public road | 9 | 5 | 1 | 2 | 1 | --- | --- | --- | --- | 5 |
| Shooting into moving train | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Temporary use of property of another | 2 | --- | 1 | --- | 1 | --- | --- | --- | --- | --- |
| Train wrecking | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 126 | 13 | 32 | 29 | 52 | --- | --- | 5 | 1 | 7 |
| Unlawful assembly | 4 | 1 | 1 | --- | 2 | --- | --- | 1 | --- | --- |
| Unlawfully changing name | 14 | 5 | 4 | 5 | --- | --- | --- | 5 | --- | --- |
| Vagrancy | 224 | 71 | 31 | 92 | 30 | --- | --- | 45 | 5 | 21 |
| Violating anti-boycott law | 4 | --- | --- | 3 | 1 | --- | --- | --- | --- | --- |
| Violating labor law | 9 | --- | 3 | 4 | 2 | --- | --- | --- | --- | --- |
| Violating emigration law | 7 | 1 | --- | 3 | 3 | --- | --- | --- | --- | 1 |
| Violating prohibition law | 10 | 4 | 1 | 5 | --- | --- | --- | 2 | --- | 2 |
| Violating revenue law | 116 | 24 | 23 | 53 | 16 | --- | --- | 9 | 2 | 13 |
| Violating stock law | 3 | 2 | --- | --- | 1 | --- | --- | --- | --- | 2 |
| Violating Sunday law | 120 | 28 | 10 | 37 | 45 | --- | --- | 5 | --- | 23 |
| Wanton mischief | 12 | --- | 2 | 7 | 3 | --- | --- | --- | --- | --- |
| Total | 3850 | 1380 | 765 | 1202 | 603 | 6 | 149 | 668 | 62 | 495 |

Percentage of convictions in cases disposed of, 36.
Predominant crime, Assault and battery with weapon.

Costs paid on nol pros., 269.

## FIRST JUDICIAL CIRCUIT.

Composed of the Counties of Monroe, Clarke, Choctaw and Marengo.

Hon. W. C. Harrison, Jr., Solicitor, Demopolis, succeeded by Hon. Oscar L. Gray, Butler, November, 1904.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 61 | 43 | 2 | 16 | --- | --- | --- | --- | --- | 43 |
| Adultery and fornication | 6 | --- | 1 | 5 | --- | --- | --- | --- | --- | --- |
| Affray | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Aiding escape | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Arson, first degree | 3 | 2 | 1 | --- | --- | --- | 2 | --- | --- | --- |
| Assault and battery | 115 | 88 | 9 | 7 | 11 | --- | --- | 1 | --- | 87 |
| Assault and battery with weapon | 31 | 29 | --- | 2 | --- | --- | --- | --- | --- | 29 |
| Assault, intent to murder | 33 | 17 | 5 | 4 | 7 | --- | 11 | --- | --- | 6 |
| Assault, intent to ravish | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Bigamy | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Burglary | 18 | 10 | 1 | 6 | 1 | --- | 10 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Concealed weapons | 86 | 52 | 11 | 20 | 3 | --- | --- | 5 | --- | 47 |
| Cruelty to animals | 5 | 4 | --- | --- | 1 | --- | --- | --- | --- | 4 |
| Defacing public building | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Defamation | 2 | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Defaulting road hand | 6 | 1 | 1 | 1 | 3 | --- | --- | --- | --- | 1 |
| Defaulting road overseer | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 5 | 2 | 1 | 2 | --- | --- | --- | --- | *1 | 2 |
| Disturbing religious worship | 34 | 18 | --- | 13 | 3 | --- | --- | --- | --- | 18 |
| Disturbing school | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Embezzlement | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Escape | 4 | 3 | --- | 1 | --- | --- | 1 | --- | --- | 2 |
| False pretense | 9 | 5 | 1 | 3 | --- | --- | --- | --- | *2 | 5 |
| Forgery, third degree | 2 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- |
| Gaming | 42 | 33 | 2 | 7 | --- | --- | --- | --- | --- | 33 |
| Incest | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Kidnapping | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 22 | 12 | 1 | 8 | 1 | --- | 12 | --- | --- | --- |
| Larceny, petit | 62 | 39 | 6 | 12 | 5 | --- | --- | 3 | *1 | 36 |
| Malicious mischief | 4 | 1 | 1 | 1 | 1 | --- | --- | --- | 1 | --- |
| Manslaughter, first degree | 9 | 9 | --- | --- | --- | --- | 7 | --- | *2 | 2 |
| Manslaughter, second degree | 11 | 8 | 2 | 1 | --- | --- | --- | 3 | --- | 5 |
| Murder, first degree | 27 | 16 | 8 | 3 | --- | 4 | 12 | --- | --- | --- |
| Murder, second degree | 13 | 13 | --- | --- | --- | --- | 13 | --- | --- | --- |

FIRST JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Obstructing rail road track | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Perjury | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Permitting convict to run at large | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Presenting gun | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 59 | 40 | 5 | 12 | 2 | --- | --- | --- | --- | 40 |
| Racing along public road | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Rape | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Resisting officer | 5 | 3 | --- | 2 | --- | --- | --- | --- | --- | 3 |
| Robbery | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Selling liquor to minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 6 | 2 | --- | 3 | 1 | --- | --- | --- | --- | 2 |
| Temporary use of animal | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 |
| Trespass after warning | 13 | 3 | 4 | 5 | 1 | --- | --- | --- | --- | 3 |
| Unlawful injury to animal | 8 | --- | --- | 6 | 2 | --- | --- | --- | --- | --- |
| Unlawfully marking hogs | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Violating contract with surety, confessed judgment | 5 | 2 | --- | 3 | --- | --- | --- | 1 | --- | 1 |
| Violating game law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating prohibition law | 247 | 121 | 17 | 43 | 66 | --- | --- | 7 | *4 | 111 |
| Violating Sunday law | 6 | 4 | --- | 2 | --- | --- | --- | --- | --- | 4 |
| Violating sundise and sunset law | 8 | --- | --- | 8 | --- | --- | --- | --- | --- | --- |
| Total | 1009 | 605 | 83 | 212 | 109 | 4 | 77 | 21 | 15 | 499 |

Percentage of convictions in cases disposed of, 60.
Predominant crime, Violating prohibition law.

*Jail and fine in same cases.

## SECOND JUDICIAL CIRCUIT.

Composed of the Counties of Butler, Conecuh, Crenshaw, Escambia, Lowndes and Montgomery.

Hon. C. R. Bricken, Solicitor, Luverne.

Hon. S. H. Dent. Jr., Solicitor for the County of Montgomery prosecutes in Montgomery County.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 57 | 53 | --- | 4 | --- | --- | --- | --- | --- | 53 |
| Adultery and fornication | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Affray | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Assault and battery | 39 | 35 | 2 | 2 | --- | --- | --- | 3 | --- | 32 |
| Assault and battery with weapon | 62 | 60 | 2 | --- | --- | --- | --- | 13 | --- | 47 |
| Assault, intent to murder | 27 | 23 | --- | 4 | --- | --- | 23 | --- | --- | --- |
| Assault, intent to ravish | 4 | 4 | --- | --- | --- | --- | 4 | --- | --- | --- |
| Assault with weapon | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Bastardy | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Burglary | 14 | 12 | --- | 1 | 1 | --- | 12 | --- | --- | --- |
| Burglary and grand larceny | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary in railroad car | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Carnal knowledge, girl under 10 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Concealed weapons | 78 | 64 | 5 | 8 | 1 | --- | --- | 22 | --- | 42 |
| Contempt | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Cruelty to animals | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Defaulting road hand | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Disturbing assembly | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Disturbing females | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 12 | 12 | --- | --- | --- | --- | --- | --- | --- | 12 |
| Embezzlement | 3 | 1 | --- | 2 | --- | --- | --- | 1 | --- | --- |
| Forfeitures | 15 | 15 | --- | --- | --- | --- | --- | --- | --- | 15 |
| Forgery, second degree | 6 | 4 | --- | 2 | --- | --- | 4 | --- | --- | --- |
| Gaming | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Inceset | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Larceny, grand | 16 | 15 | --- | 1 | --- | --- | 15 | --- | --- | --- |
| Larceny, petit | 23 | 21 | --- | 1 | 1 | --- | --- | 5 | --- | 16 |
| Malicious mischief | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Manslaughter, first degree | 14 | 14 | --- | --- | --- | --- | 13 | 1 | --- | --- |
| Manslaughter, second degree | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- |
| Murder, first degree | 27 | 18 | 6 | 3 | --- | 5 | 13 | --- | --- | --- |

SECOND JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Murder, second degree | 19 | 16 | 2 | 1 | --- | --- | 16 | --- | --- | --- |
| Perjury | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Presenting gun | 8 | 5 | 1 | 1 | 1 | --- | --- | --- | --- | 5 |
| Public drunkenness | 7 | 7 | --- | --- | --- | --- | --- | --- | --- | 7 |
| Retailing | 42 | 34 | 2 | 6 | --- | --- | --- | 4 | --- | 30 |
| Seduction | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Shooting across public road | 6 | 6 | --- | --- | --- | --- | --- | --- | --- | 6 |
| Trespass after warning | 5 | 5 | --- | --- | --- | --- | --- | 2 | --- | 3 |
| Violating contract with surety, confessed udgment | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 11 | 9 | 2 | --- | --- | --- | --- | --- | --- | 9 |
| Total | 527 | 460 | 24 | 38 | 5 | 5 | 106 | 55 | --- | 94 |

Percentage of convictions in cases disposed of, 87.
Predominant crime, Concealed weapons

## THIRD JUDICIAL CIRCUIT.

Composed of the Counties of Bullock, Dale, Russell, Lee and Barbour.
Hon. C. A. L. Samford, Solicitor, Opelika.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 8 | 7 | --- | --- | 1 | --- | --- | 1 | --- | 6 |
| Adultery and fornication | 10 | 7 | 2 | 1 | --- | --- | --- | 2 | --- | 5 |
| Affray | 9 | 6 | --- | 3 | --- | --- | --- | --- | --- | 6 |
| Arson, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Arson, second degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Assault, | 2 | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Assault and battery | 69 | 58 | 5 | 6 | --- | --- | --- | 16 | --- | 42 |
| Assault, intent to murder | 36 | 17 | 12 | 6 | 1 | --- | 17 | --- | --- | --- |
| Assault, intent to ravish | 3 | 1 | 2 | --- | --- | --- | 1 | --- | --- | --- |
| Bastardy | 9 | 4 | --- | 5 | --- | --- | --- | --- | --- | 4 |
| Betting in public places | 4 | 1 | --- | 3 | --- | --- | --- | 1 | --- | --- |
| Bigamy | 6 | 4 | --- | 2 | --- | --- | 3 | --- | --- | 1 |
| Burglary | 34 | 24 | 5 | 5 | --- | --- | 23 | 1 | --- | --- |
| Carnal knowledge, girl under 10 | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 71 | 50 | 13 | 5 | 3 | --- | --- | 9 | --- | 41 |
| Concealing stolen property | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Cruelty to animals | 6 | 4 | 2 | --- | --- | --- | --- | --- | --- | 4 |
| Defaulting road hand | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 9 | 5 | 1 | 3 | --- | --- | 1 | --- | --- | 4 |
| Disturbing religious worship | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Embezzlement | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| False pretense | 5 | 2 | 3 | --- | --- | --- | 1 | --- | --- | 1 |
| Forgery, first degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Forgery, second degree | 8 | 3 | 4 | --- | 1 | --- | 2 | 1 | --- | --- |
| Gaming | 16 | 9 | 2 | 2 | 3 | --- | --- | 1 | --- | 8 |
| Incest | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 50 | 35 | 5 | 10 | --- | --- | 35 | --- | --- | --- |
| Larceny, petit | 47 | 31 | 6 | 10 | --- | --- | --- | 12 | --- | 19 |
| Mahem | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Malicious mischief | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 4 | 3 | --- | 1 | --- | --- | 3 | --- | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Murder, first degree | 13 | 7 | 2 | 3 | 1 | 2 | 5 | --- | --- | --- |
| Murder, second degree | 12 | 10 | 2 | --- | --- | --- | 10 | --- | --- | --- |
| Obtaining money under false pretense | 3 | 3 | --- | --- | --- | --- | 2 | --- | --- | 1 |
| Playing cards, public place | 19 | 17 | --- | 2 | --- | --- | --- | --- | --- | 17 |

THIRD JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Presenting gun | 9 | 6 | 2 | 1 | --- | --- | --- | 1 | --- | 5 |
| Public drunkenness | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Rape | 6 | 3 | 1 | 2 | --- | --- | 3 | --- | --- | --- |
| Receiving stolen property | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Retailing | 35 | 21 | 5 | 8 | 1 | --- | --- | 3 | 1 | 17 |
| Robbery | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Seduction | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Selling choking mule | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Selling mortgaged property | 7 | 3 | 1 | 2 | 1 | --- | --- | --- | --- | 3 |
| Shooting across public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 6 | 3 | 1 | 2 | --- | --- | --- | --- | --- | 3 |
| Unlawful injury to animal | 6 | 4 | 1 | 1 | --- | --- | --- | --- | --- | 4 |
| Vagrancy | 5 | 2 | 2 | 1 | --- | --- | --- | 2 | --- | --- |
| Violating contract with surety, confessed judgment | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Violating revenue law | 8 | 6 | --- | 2 | --- | --- | --- | --- | --- | 6 |
| Violating Sunday law | 23 | 19 | 1 | 5 | --- | --- | --- | --- | --- | 19 |
| Violating sunrise and sunset law | 5 | 3 | 1 | 1 | --- | --- | --- | --- | --- | 3 |
| Total | 596 | 392 | 91 | 100 | 13 | 2 | 110 | 57 | 1 | 198 |

Percentage of convictions in cases disposed of, 66.
Predominant crime, Concealed weapons.

## FOURTH JUDICIAL CIRCUIT.

Composed of the Counties of Bibb, Dallas, Hale, Perry and Wilcox.

Hon. W. W. Quarles, Solicitor, Selma; succeeded by Hon. J. F. Thompson, Centerville, November, 1904.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 4 | 2 | --- | 2 | --- | --- | --- | --- | --- | 2 |
| Arson, third degree | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Assault and battery | 30 | 26 | --- | 4 | --- | --- | --- | 6 | --- | 20 |
| Assault and battery with weapon | 53 | 53 | --- | --- | --- | --- | --- | 6 | --- | 47 |
| Assault, intent to murder | 17 | 8 | 4 | 5 | --- | --- | 6 | 2 | --- | --- |
| Assault with weapon | 16 | 16 | --- | --- | --- | --- | --- | 5 | --- | 11 |
| Bigamy | 2 | 1 | --- | 1 | --- | --- | 1 | --- | --- | --- |
| Burglary | 57 | 40 | 8 | 6 | 3 | --- | 25 | 15 | --- | --- |
| Concealed weapons | 45 | 34 | 2 | 9 | --- | --- | --- | 8 | --- | 26 |
| Crime against nature | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Disturbing religious worship | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing school | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Embezzlement | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Enticing labor | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Forgery, second degree | 10 | 4 | 2 | 1 | --- | --- | 6 | 1 | --- | --- |
| Forgery, third degree | 5 | 5 | --- | --- | --- | --- | --- | 1 | --- | 4 |
| Larceny, grand | 29 | 15 | 5 | 7 | 2 | --- | 8 | 7 | --- | --- |
| Larceny, petit | 45 | 42 | 3 | --- | --- | --- | --- | 15 | --- | 27 |
| Manslaughter, first degree | 22 | 21 | 1 | --- | --- | --- | 12 | 9 | --- | --- |
| Manslaughter, second degree | 9 | 9 | --- | --- | --- | --- | --- | 5 | --- | 4 |
| Miscegenation | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Murder, first degree | 33 | 24 | 5 | 4 | --- | 1 | 23 | --- | --- | --- |
| Murder, second degree | 4 | 3 | 1 | --- | --- | --- | 3 | --- | --- | --- |
| Perjury | 4 | 2 | 1 | 1 | --- | --- | --- | 1 | --- | 1 |
| Playing cards, public place | 19 | 19 | --- | --- | --- | --- | --- | --- | --- | 19 |
| Public drunkenness | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Rape | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |

FOURTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Seduction | 2 | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Shooting across public road | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Unlawful injury to animal | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Vagrancy | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Violating prohibition law | 61 | 44 | 5 | 7 | 5 | --- | --- | 1 | --- | 43 |
| Violating sunrise and sunset law | 2 | 1 | --- | 1 | --- | --- | --- | 1 | --- | --- |
| Total | 496 | 393 | 38 | 54 | 11 | 1 | 92 | 84 | --- | 216 |

Percentage of convictions in cases disposed of, 74.
Predominant crime, Violating prohibition law.

## FIFTH JUDICIAL CIRCUIT.

Composed of the Counties of Talladega, Randolph, Chambers, Macon, Coosa, Elmore, Autauga and Chilton.

(By Acts of Oct. 12, 1903, and Oct. 13, 1903., the Counties of Elmore, Autauga and Chilton were placed in the Fifteenth Judicial Circuit, both of which acts have been declared unconstitutional.)

Hon. S. L. Brewer, Solicitor, Tuskegee; succeeded by Hon. W. B. Bowling, Dadeville, November, 1904.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | 1 | | | | | | | | 1 |
| Abusive language | 17 | 11 | 2 | 4 | | | | 1 | 1 | 9 |
| Adultery and fornication | 2 | 2 | | | | | | | | 2 |
| Affray | 12 | 11 | 1 | | | | | 2 | | 9 |
| Arson, first degree | 4 | 3 | 1 | | | | 3 | | | |
| Arson, second degree | 1 | | | 1 | | | | | | |
| Assault and battery | 5 | 3 | 1 | 1 | | | | | | 3 |
| Assault and battery with weapon | 36 | 34 | 1 | 1 | | | | 6 | | 28 |
| Assault, intent to murder | 19 | 13 | 4 | 2 | | | 13 | | | |
| Assault, intent to ravish | 1 | 1 | | | | | 1 | | | |
| Bigamy | 2 | 2 | | | | | 2 | | | |
| Burglary | 20 | 15 | 3 | 2 | | | 15 | | | |
| Concealed weapons | 24 | 19 | 3 | 1 | 1 | | | 5 | | 14 |
| Cruelty to animals | 2 | 1 | 1 | | | | | | | 1 |
| Defaulting road hand | 3 | | 1 | 1 | 1 | | | | | |
| Disturbing religious worship | 12 | 11 | 1 | | | | | | | 11 |
| Embezzlement | 3 | 1 | | 2 | | | 1 | | | |
| Escape | 1 | | | 1 | | | | | | |
| False pretense | 4 | 2 | | 2 | | | 1 | | | 1 |
| Forgery, third degree | 3 | 1 | | 2 | | | | | | 1 |
| Gaming | 3 | | 1 | 2 | | | | | | |
| Indecent exposure | 1 | 1 | | | | | | | | 1 |
| Larceny, grand | 21 | 14 | 4 | 1 | 2 | | 14 | | | |
| Larceny, petit | 12 | 10 | 2 | | | | | | | 10 |
| Manslaughter, first degree | 6 | 6 | | | | | 6 | | | |
| Miscegenation | 3 | 1 | 1 | 1 | | | 1 | | | |
| Murder, first degree | 10 | 8 | 1 | | 1 | 3 | 5 | | | |
| Murder, second degree | 13 | 13 | | | | | 13 | | | |
| Playing cards, public place | 7 | 5 | 2 | | | | | | | 5 |
| Posting obscene writing | 1 | 1 | | | | | | | | 1 |

FIFTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Presenting gun | 4 | 4 | --- | --- | --- | --- | --- | 1 | --- | 3 |
| Public drunkenness | 7 | 6 | --- | 1 | --- | --- | --- | 1 | --- | 5 |
| Rape | 3 | 2 | 1 | --- | --- | --- | 2 | --- | --- | --- |
| Retailing | 22 | 10 | 6 | 2 | --- | --- | --- | 1 | --- | 9 |
| Seduction | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Selling mortgaged property | 6 | 1 | 3 | 1 | 1 | --- | --- | --- | --- | 1 |
| Shooting across public road | 4 | 3 | --- | 1 | --- | --- | --- | --- | --- | 3 |
| Trespass after warning | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Total | 297 | 218 | 41 | 31 | 7 | 3 | 77 | 17 | 1 | 120 |

Percentage of convictions in cases disposed of, 75.
Predominant crime, Assault and battery with weapon.

## SIXTH JUDICIAL CIRCUIT.

Composed of the Counties of Lamar, Fayette, Greene, Sumter and Pickens.
Hon. W. B. Oliver, Solicitor, Tuscaloosa.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Abandonment | 1 | 1 | | | | | | | | 1 |
| Abusive language | 45 | 40 | | 3 | 2 | | | | | 40 |
| Adultery and fornication | 6 | 6 | | | | | | 1 | | 5 |
| Arson, first degree | 1 | | 1 | | | | | | | |
| Arson, second degree | 2 | 1 | 1 | | | | 1 | | | |
| Arson, third degree | 1 | 1 | | | | | | 1 | | |
| Assault and battery | 59 | 50 | 1 | 8 | | | | | | 50 |
| Assault and battery with weapon | 98 | 94 | 2 | 2 | | | | 8 | | 86 |
| Assault, intent to murder | 7 | 4 | | 3 | | | 3 | 1 | | |
| Attempt to commit felony | 1 | 1 | | | | | | | | 1 |
| Bringing stolen property into the state | 1 | 1 | | | | | | 1 | | |
| Burglary | 8 | 7 | 1 | | | | 4 | 3 | | |
| Concealed weapons | 68 | 49 | 2 | 12 | 5 | | | 3 | | 46 |
| Crime against nature | 1 | 1 | | | | | 1 | | | |
| Defacing publis building | 1 | 1 | | | | | | | | 1 |
| Defaulting road hand | 5 | 4 | 1 | | | | | | | 4 |
| Defaulting road overseer | 2 | 1 | | 1 | | | | | | 1 |
| Disposing property under lien | 1 | 1 | | | | | | 1 | | |
| Disturbing assembly | 1 | 1 | | | | | | | | 1 |
| Disturbing religious worship | 16 | 12 | 2 | 2 | | | | | | 12 |
| False pretense | 6 | v | | | | | | | | 6 |
| Forgery, second degree | 4 | 3 | | 1 | | | 3 | | | |
| Forgery, third degree | 2 | 2 | | | | | | | | 2 |
| Gaming | 103 | 94 | 9 | | | | | 1 | | 93 |
| Giving liquor on election day | 1 | 1 | | | | | | | | 1 |
| Interfering with railroad stock | 2 | 2 | | | | | | | | 2 |
| Jumping on and off moving train | 1 | 1 | | | | | | | | 1 |
| Larceny, grand | 15 | 14 | | | 1 | | 10 | 4 | | |
| Larceny, petit | 42 | 41 | 1 | | | | | 6 | | 35 |
| Manslaughter, first degree | 12 | 10 | 2 | | | | 7 | 3 | | |
| Murder, first degree | 8 | 6 | | 1 | 1 | | 6 | | | |
| Murder, second degree | 4 | 3 | 1 | | | | 3 | | | |
| Nuisance, common law | 2 | 2 | | | | | | | | 2 |
| Obstructing railroad | 5 | 3 | | 2 | | | 1 | | | 2 |
| Perjury | 1 | | 1 | | | | | | | |
| Permitting minor to play pool | 1 | 1 | | | | | | | | 1 |

SIXTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Practicing medicine without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 85 | 78 | 1 | 4 | 2 | --- | --- | --- | --- | 78 |
| Racing on public road | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Rape | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Receiving stolen property | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Removing property under lien | 7 | 7 | --- | --- | --- | --- | --- | --- | --- | 7 |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Selling liquor to minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Selling pistol to minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Sending abusive letter | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Taking orders prohibition district | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Trespass after warning | 6 | 3 | 2 | 1 | --- | --- | --- | --- | --- | 3 |
| Unlawful injury to animal | 6 | 6 | --- | --- | --- | --- | --- | --- | --- | 6 |
| Vagrancy | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Violating contract with surety, confessed judgment | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating prohibition law | 133 | 105 | 3 | 12 | 13 | --- | --- | 32 | --- | 74 |
| Violating revenue law | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating stock law | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 15 | 24 | 1 | --- | --- | --- | --- | --- | --- | 14 |
| Total | 805 | 698 | 36 | 52 | 24 | --- | 40 | 63 | --- | 595 |

Percentage of convictions in cases disposed of, 87.
Predominant crime, Violating prohibition law.

## SEVENTH JUDICIAL CIRCUIT.

Composed of the Counties of Calhoun, Clay, Cleburne, Shelby, St. Clair and Talladega.

Hon. C. C. Whitson, Solicitor, Talladega, succeeded by Hon. B. H. Burr, Talladega, November, 1904.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Abusive language | 10 | 5 | 3 | 1 | 1 | --- | --- | --- | --- | 5 |
| Adultery and fornication | 3 | 2 | --- | 1 | --- | --- | --- | 1 | --- | 1 |
| Affray | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Aiding escape | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Arson, second degree | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Assault and battery | 11 | 6 | 1 | 4 | --- | --- | --- | --- | --- | 6 |
| Assault and battery with weapon | 15 | 12 | 1 | 2 | --- | --- | --- | 4 | --- | 8 |
| Assault, intent to murder | 18 | 6 | 8 | 1 | 3 | --- | 5 | --- | --- | 1 |
| Assault, intent to ravish | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Burglary | 3 | 2 | --- | 1 | --- | --- | 2 | --- | --- | --- |
| Concealed weapons | 14 | 11 | 1 | 2 | --- | --- | --- | --- | --- | 11 |
| County Com'rs failing to perform jail duty | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Contempt | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Crime against nature | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Disbarment proceeding | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Disturbing fmales | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing religious worship | 3 | 1 | 1 | 1 | --- | --- | --- | --- | --- | 1 |
| False pretense | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Forgery, second degree | 3 | 2 | --- | --- | 1 | --- | --- | 1 | --- | 1 |
| Forgery, third degree | 1 | 1 | --- | --- | --- | --- | --- | *1 | 1 | --- |
| Gaming | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 3 | 1 | 1 | --- | 1 | --- | 1 | --- | --- | --- |
| Larceny, petit | 3 | 2 | --- | 1 | --- | --- | --- | 1 | --- | 1 |
| Malicious mischief | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Manslaughter, second degree | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 | --- |
| Murder, first degree | 7 | 4 | 3 | --- | --- | --- | 4 | --- | --- | --- |
| Murder, second degree | 3 | 2 | 1 | --- | --- | --- | 2 | --- | --- | --- |
| Obstructing rail road | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Perjury | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Presenting gun | 4 | 1 | 2 | 1 | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 11 | 7 | --- | 3 | 1 | --- | --- | --- | --- | 7 |
| Refusing to assist officer | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |

SEVENTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Receiving stolen property | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Receiving liquor orders in prohibition district | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Removing mile post | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Retailing | 23 | 4 | 4 | 13 | 2 | --- | --- | --- | --- | 4 |
| Seduction | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Selling liquor to minor | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Selling mortgaged property | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Sending abusive letter | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Sheriff, failing to perform jail duty | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating prohibition law | 7 | 3 | --- | 4 | --- | --- | --- | --- | --- | 3 |
| Violating Sunday law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Total | 161 | 86 | 27 | 38 | 10 | --- | 20 | 6 | 4 | 57 |

Percentage of convictions in cases disposed of, 53.
Predominant crime, Retailing.
*Jail and hard labor in same case.

## EIGHTH JUDICIAL CIRCUIT.

Composed of the Counties of Cullman, Lawrence, Limestone Madison and Morgan.

(Limestone and Madison Counties were placed in the Sixteenth Judicial Circuit by Act of Oct. 12, 1903, which act was afterdwards declared unconstitutional.)

Hon. D. C. Almon, Solicitor, Moulton.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | Number of sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard Labor | Jail | |
| Abduction | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Abusive language | 8 | 6 | --- | 2 | --- | --- | --- | 2 | --- | 4 |
| Adultery and fornication | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Affray | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Assault | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Assault and battery with weapon | 6 | 6 | --- | --- | --- | --- | --- | 3 | --- | 3 |
| Assault, intent to murder | 20 | 8 | 3 | 8 | 1 | --- | 5 | --- | --- | 3 |
| Assault, intent to ravish | 4 | 2 | 1 | 1 | --- | --- | 2 | --- | --- | --- |
| Assault, intent to rob | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Assault with weapon | 13 | 9 | 2 | 2 | --- | --- | --- | 4 | --- | 5 |
| Bastardy | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Bigamy | 4 | 2 | 1 | 1 | --- | --- | 2 | --- | --- | --- |
| Bringing stolen property into the State | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Burglary | 29 | 18 | 5 | 6 | --- | --- | 13 | 5 | --- | --- |
| Concealed weapons | 14 | 8 | 2 | 4 | --- | --- | --- | 1 | --- | 7 |
| Disturbing religious worship | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Forgery, first degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Forgery, second degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Incest | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 21 | 9 | 8 | 4 | --- | --- | 8 | 1 | --- | --- |
| Larceny, petit | 7 | 6 | --- | 1 | --- | --- | --- | 3 | 3 | --- |
| Larceny from person | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Mahem | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Malicious mischief | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Manslaughter, first degree | 5 | 5 | --- | --- | --- | --- | 5 | --- | --- | --- |
| Murder, first degree | 12 | 8 | 4 | --- | --- | 4 | 4 | --- | --- | --- |
| Murder, second degree | 7 | 6 | 1 | --- | --- | --- | 6 | --- | --- | --- |
| Obstructing rail road | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Perjury | 5 | --- | 2 | 3 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 13 | 10 | 2 | 1 | --- | --- | --- | --- | --- | 10 |

EIGHTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE. | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Rape | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Retailing | 18 | 9 | 1 | 8 | --- | --- | --- | 5 | --- | 4 |
| Robbery | 4 | 3 | 1 | --- | --- | --- | 3 | --- | --- | --- |
| Seduction | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 |
| Violating Sunday law | 4 | 4 | --- | --- | --- | --- | --- | --- | --- | 4 |
| Total | 226 | 133 | 38 | 53 | 2 | 4 | 52 | 25 | 3 | 49 |

Percentage of convictions in cases disposed of, 59.
Predominant crime, Burglary.

## NINTH JUDICIAL CIRCUIT.

Composed of the Counties of Blount, Cherokee, Etowah, Dekalb, Jackson and Marshall.

Hon. R. C. Hunt, Solicitor, Fort Payne. Hon. John F. Proctor, Scottsboro, County Solicitor, prosecutes in Jackson County.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 43 | 21 | 6 | 16 | --- | --- | --- | --- | --- | 21 |
| Adultery and fornication | 5 | 1 | 1 | 3 | --- | --- | --- | --- | --- | 1 |
| Affray | 6 | 3 | --- | 3 | --- | --- | --- | --- | --- | 3 |
| Aiding escape | 3 | --- | --- | 3 | --- | --- | --- | --- | --- | --- |
| Assault | 37 | 30 | --- | 5 | 2 | --- | --- | 1 | --- | 29 |
| Assault and battery | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Assault, intent to murder | 8 | 3 | 2 | 2 | 1 | --- | 3 | --- | --- | --- |
| Bastardy | 2 | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- |
| Breaking fence | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Burglary | 7 | 6 | 1 | --- | --- | --- | 6 | --- | --- | --- |
| Compounding felony | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Concealed weapons | 67 | 25 | 11 | 25 | 6 | --- | --- | 2 | --- | 23 |
| Defamation | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defaulting road hand | 10 | 9 | 1 | --- | --- | --- | --- | --- | --- | 9 |
| Distilling | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 21 | 3 | 7 | 11 | --- | --- | --- | --- | --- | 3 |
| Disturbing public assembly | 4 | 1 | 3 | --- | --- | --- | --- | --- | --- | 1 |
| False pretense | 8 | 2 | --- | 5 | 1 | --- | --- | 1 | --- | 1 |
| Forgery, first degree | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Gaming | 10 | 7 | 1 | 2 | --- | --- | --- | 1 | --- | 6 |
| Incest | 2 | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Injury to public building | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 10 | 1 | 2 | 4 | 3 | --- | 1 | --- | --- | --- |
| Larceny, petit | 12 | 5 | 2 | 1 | 4 | --- | --- | --- | 2 | 3 |
| Libel | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Malicious mischief | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 4 | 4 | --- | --- | --- | --- | 3 | 1 | --- | --- |
| Manslaughter ,second degree | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- | --- |
| Miscegenation | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Murder, first degree | 6, | 2 | 3 | 1 | --- | 1 | 1 | --- | --- | --- |
| Murder, second degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Obstructing public road | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Perjury | 2 | --- | 2 | --- | --- | --- | --- | --- | --- | --- |
| Playing cards on Sunday | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |

NINTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Presenting gun | 4 | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 |
| Public drunkenness | 51 | 27 | 2 | 22 | --- | --- | --- | --- | --- | 27 |
| Removing boat from mooring | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Removing mortgaged property | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Retailing | 87 | 31 | 9 | 46 | 1 | --- | --- | 1 | 1 | 29 |
| Seduction | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Selling choking animal | 2 | 1 | --- | --- | 1 | --- | --- | 1 | --- | --- |
| Selling liquor to minor | 10 | 6 | --- | 4 | --- | --- | --- | --- | --- | 6 |
| Selling mortgaged property | 12 | 1 | 1 | 8 | 3 | --- | --- | --- | --- | 1 |
| Selling pistol to minor | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Shooting across public road | 6 | 3 | 1 | 2 | --- | --- | --- | --- | --- | 3 |
| Temporary use of animal | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Throwing missle into railroad train | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Trespass after warning | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Trespass, cutting timber | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Unlawful injury to animal | 5 | 1 | 1 | 3 | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Violating revenue law | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Violating stock law | 12 | 3 | 1 | 8 | --- | --- | --- | --- | --- | 3 |
| Violating Sunday law | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Total | 491 | 207 | 67 | 194 | 23 | 1 | 15 | 9 | 4 | 188 |

Percentage of convictions in cases disposed of, 42.
Predominant crime, Retailing.

## TENTH JUDICIAL CIRCUIT.

Composed of the Counties of Jefferson, Walker and Winston.
Hon. John C. Pugh, Solicitor, Solicitor, succeeded by Hon. John McQueen, Birmingham, November 1904.

(The Solicitor of this Circuit, in addition to his duties in other counties is required to prosecute in the second Division of the Criminal Court of Jefferson County.)

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abandonment | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Abusive language | 10 | 9 | 1 | --- | --- | --- | --- | --- | 9 | --- |
| Appeal, justice court | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Appeals, mayor's court, Jasper | 10 | --- | --- | 10 | --- | --- | --- | --- | --- | --- |
| Assault and battery | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 | --- |
| Assault & battery with weapon | 7 | 7 | --- | --- | --- | --- | 1 | --- | 6 | --- |
| Assault, intent to murder | 8 | 3 | 1 | 4 | --- | 3 | --- | --- | --- | --- |
| Assault, intent to ravish | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- | --- |
| Burglary | 7 | 5 | 1 | 1 | --- | 4 | --- | --- | --- | 1 |
| Carnal knowledge, girl under 10 | 2 | 1 | --- | 1 | --- | 1 | --- | --- | --- | --- |
| Concealed weapons | 7 | 4 | 1 | 2 | --- | --- | 1 | --- | 3 | --- |
| Embezzlement | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| False pretense | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Gaming | 2 | 2 | --- | --- | --- | --- | --- | --- | 2 | --- |
| Larceny, grand | 6 | 5 | --- | 1 | --- | 5 | --- | --- | --- | --- |
| Larceny, petit | 10 | 10 | --- | --- | --- | --- | --- | *1 | 10 | --- |
| Mahem | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 2 | 2 | --- | --- | --- | 2 | --- | --- | --- | --- |
| Manslaughter, second degree | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Murder, first degree | 4 | 2 | 1 | 1 | 1 | 1 | --- | --- | --- | --- |
| Murder, second degree | 2 | 2 | --- | --- | --- | 2 | --- | --- | --- | --- |
| Presenting gun | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Public drunkenness | 9 | 9 | --- | --- | --- | --- | --- | --- | 9 | --- |
| Seduction | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- | --- |
| Shooting into railroad car | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 | --- |
| Violating prohibition law | 14 | 1 | 4 | 9 | --- | --- | --- | --- | 1 | --- |
| Violating revenue law | 6 | 1 | 1 | 4 | --- | --- | --- | --- | 1 | --- |
| Total | 120 | 70 | 10 | 24 | 16 | 1 | 20 | 3 | 1 | 45 | 1 |

Percentage of convictions in cases disposed of, 58.
Predominant crime, Violating prohibition law.

*Jail and fine imposed in same case.

## ELEVENTH JUDICIAL CIRCUIT.

Composed of the Counties of Lauderdale, Colbert, Marion and Franklin: Hon. O. H. Sawtelle, Solicitor, Tuscumbia; succeeded by Hon. R. T. Simpson, Jr., September, 1906.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 45 | 22 | 12 | 11 | --- | --- | --- | --- | --- | 22 |
| Adultery and fornication | 11 | 4 | 4 | 3 | --- | --- | --- | --- | --- | 4 |
| Affray | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Assault | 11 | 5 | 2 | 4 | --- | --- | --- | 1 | --- | 5 |
| Assault and battery | 7 | 2 | --- | 5 | --- | --- | --- | --- | --- | 2 |
| Assault and battery with weapon | 19 | 13 | 2 | 3 | 1 | --- | --- | --- | --- | 13 |
| Assault, intend to murder | 10 | 7 | 2 | 1 | --- | --- | 3 | 4 | --- | --- |
| Assault, intent to ravish | 4 | 3 | 1 | --- | --- | --- | 3 | --- | --- | --- |
| Bastardy | 3 | 2 | 1 | --- | --- | --- | --- | --- | --- | 2 |
| Bribery | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Burglary | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Concealed weapons | 32 | 18 | 10 | 3 | 1 | --- | --- | --- | --- | 18 |
| Cruelty to animals | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Defamation | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Defaulting road overseer | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Disposing property under lien | 4 | 1 | 1 | 1 | 1 | --- | --- | 1 | --- | --- |
| Distilling | 2 | 2 | --- | --- | --- | --- | --- | *1 | --- | 2 |
| Disturbing females | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 14 | 12 | 1 | 1 | --- | --- | --- | --- | --- | 12 |
| Disturbing school | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Embezzlement | 5 | 2 | 1 | 2 | --- | --- | --- | 1 | --- | 1 |
| False pretense | 5 | 2 | --- | 3 | --- | --- | --- | 1 | --- | 1 |
| Fish, using explosives to catch | 3 | 1 | 1 | 1 | --- | --- | --- | --- | --- | 1 |
| Forgery, second degree | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | --- | --- |
| Gaming | 19 | 11 | 1 | 7 | --- | --- | --- | --- | --- | 11 |
| Incest | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, grand | 19 | 15 | 1 | 3 | --- | --- | 12 | 3 | --- | --- |
| Larceny, petit | 12 | 7 | 4 | 1 | --- | --- | --- | 1 | --- | 6 |
| Manslaughter, second degree | 2 | 1 | 1 | --- | --- | --- | --- | --- | 1 | --- |
| Murder, first degree | 7 | 4 | 2 | 1 | --- | --- | 4 | --- | --- | --- |
| Obstructing public road | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Permitting minor to play pool | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Public drunkenness | 50 | 42 | 8 | --- | --- | --- | --- | --- | --- | 42 |
| Racing on public road | 4 | 3 | 1 | --- | --- | --- | --- | --- | --- | 3 |
| Removing mortgaged property | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Retailing | 50 | 17 | 5 | 27 | 1 | --- | --- | 2 | --- | 16 |

ELEVENTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. of cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Seduction | 2 | --- | --- | 1 | 1 | --- | --- | --- | --- | --- |
| Selling liquor to minor | 4 | 2 | 1 | 1 | --- | --- | --- | --- | --- | 2 |
| Shooting across public road | 4 | 2 | --- | 2 | --- | --- | --- | --- | --- | 2 |
| Trespass after warning | 2 | --- | 1 | 1 | --- | --- | --- | --- | --- | --- |
| Vagrancy | 6 | 3 | 1 | 1 | 1 | --- | --- | 1 | --- | 2 |
| Violating revenue law | 8 | 1 | 2 | 5 | --- | --- | --- | --- | --- | 1 |
| Violating Sunday law | 3 | 1 | --- | 2 | --- | --- | --- | --- | --- | 1 |
| Total | 392 | 214 | 69 | 103 | 6 | --- | 26 | 16 | 1 | 174 |

Percentage of convictions in cases disposer of, 55.
Predominant crimes, Public drunkenness and retailing.
*Hard labor and fine in same case.

## TWELFTH JUDICIAL CIRCUIT.

Composed of the Counties of Coffee, Covington, Geneva, Houston and Henry.
Hon. R. H. Parks, Solicitor, Troy.

(Two years ending September 30, 1906.)

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle Prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 31 | 26 | --- | 5 | --- | --- | --- | --- | --- | 26 |
| Adultery and fornication | 3 | 2 | --- | 1 | --- | --- | --- | --- | --- | 2 |
| Assault | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| Assault and battery | 63 | 59 | 1 | 1 | 2 | --- | --- | 6 | --- | 53 |
| Assault, intent to murder | 23 | 19 | 2 | 2 | --- | --- | 16 | 3 | --- | --- |
| Assault, intent to ravish | 2 | 1 | 1 | --- | --- | --- | 1 | --- | --- | --- |
| Attempt to commit felony | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Burglary | 19 | 18 | --- | 1 | --- | --- | 14 | 4 | --- | --- |
| Carnal knowledge, girl over 10 | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Concealed weapons | 41 | 32 | 2 | 6 | 1 | --- | --- | 4 | --- | 28 |
| Concealing stolen property | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defamation | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defaulting road hand | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Disturbing femalse | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Disturbing religious worship | 6 | 6 | --- | --- | --- | --- | --- | --- | --- | 6 |
| Dynamiting fish | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Escape | 2 | 2 | --- | --- | --- | --- | --- | --- | --- | 2 |
| False pretense | 15 | 6 | --- | 7 | 2 | --- | --- | 3 | --- | 3 |
| Forgery, first degree | 3 | 2 | --- | 1 | --- | --- | 2 | --- | --- | --- |
| Gaming | 32 | 28 | 2 | 2 | --- | --- | --- | --- | --- | 28 |
| Inury to public road | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 19 | 15 | 2 | 1 | 1 | --- | 12 | 3 | --- | --- |
| Larceny, petit | 28 | 25 | 1 | 2 | --- | --- | --- | 1 | --- | 24 |
| Malicious mischief | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 13 | 12 | --- | 1 | --- | --- | 11 | 1 | --- | --- |
| Manslaughter, second degree | 4 | 4 | --- | --- | --- | --- | 2 | --- | --- | 2 |
| Murder, first degree | 8 | 5 | 2 | 1 | --- | --- | 5 | --- | --- | --- |
| Murder, second degree | 10 | 8 | 1 | --- | 1 | --- | 8 | --- | --- | --- |
| Playing cards, public place | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Practicing medicine, without license | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Presenting gun | 3 | 3 | --- | --- | --- | --- | --- | --- | --- | 3 |
| Public drunkenness | 10 | 9 | 1 | --- | --- | --- | --- | --- | --- | 9 |
| Rape | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Removing property under lien | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Resisting officer | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Retailing | 31 | 22 | 1 | 8 | --- | --- | --- | 2 | --- | 20 |
| Robbery | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |

TWELFTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Seduction | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- | --- |
| Selling mortgaged property | 5 | 2 | 2 | 1 | --- | --- | --- | --- | --- | 2 |
| Shooting across public road | 5 | 5 | --- | --- | --- | --- | --- | --- | --- | 5 |
| Sodomy | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Streets, neglect of | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Temporary use of animal | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Trespass after warning | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Violating contract with surety, confessed judgment | 2 | 2 | --- | --- | --- | --- | --- | 2 | --- | --- |
| Violating Sunday law | 31 | 27 | 2 | 2 | --- | --- | --- | --- | --- | 27 |
| Total | 436 | 361 | 23 | 45 | 7 | --- | 73 | 29 | --- | 259 |

Percentage of convictions in cases disposed of, 72.
Predominant crime, Assault and battery.

## THIRTEENTH JUDICIAL CIRCUIT.

(Two years, ending September 30, 1906.)

Hon. John W. McAlpine, Solicitor, Mobile, succeeded by Hon. James N. Granade, St. Stephens, Nov. 1904.

Composed of the Counties of Baldwin, Mobile and Washington.

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Abusive language | 14 | 5 | --- | 8 | 1 | --- | --- | --- | --- | 5 |
| Adultery and fornication | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Allowing sheep-killing don to run at large | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Arson, second degree | 4 | --- | 3 | 1 | --- | --- | --- | --- | --- | --- |
| Arson, third degree | 2 | --- | --- | --- | 2 | --- | --- | --- | --- | --- |
| Assault | 2 | 1 | --- | --- | 1 | --- | --- | --- | --- | 1 |
| Assault and battery | 15 | 11 | 2 | 2 | --- | --- | --- | 1 | --- | 10 |
| Assault and battery with weapon | 14 | 9 | 1 | 1 | 3 | --- | --- | 1 | --- | 8 |
| Assault, intent to murder | 8 | 2 | --- | 5 | 1 | --- | --- | --- | --- | 2 |
| Assault, intent to ravish | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Bastardy | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Bigamy | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Burglary | 5 | *3 | --- | 2 | --- | --- | 2 | --- | --- | --- |
| Burning pine forrest | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Concealed weapons | 19 | 8 | --- | 8 | 3 | --- | --- | --- | 1 | 7 |
| Conspiracy | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Convicts, offenses concerning | 1 | 1 | --- | --- | --- | --- | --- | --- | --- | 1 |
| Defaulting road hand | 4 | 3 | --- | --- | 1 | --- | --- | --- | --- | 3 |
| Disposing property under lien | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Disturbing females | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Disturbing religious worship | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Embezzlement | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Gaming | 2 | 1 | --- | 1 | --- | --- | --- | --- | --- | 1 |
| Larceny, grand | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Larceny, petit | 7 | 7 | --- | --- | --- | --- | --- | --- | 1 | 6 |
| Mahem | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Malicious mischief | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Manslaughter, first degree | 2 | 2 | --- | --- | --- | --- | 2 | --- | --- | --- |
| Manslaughter, second degree | 2 | 1 | 1 | --- | --- | --- | --- | 1 | --- | --- |
| Murder, first degree | 4 | 3 | 1 | --- | --- | 1 | 2 | --- | --- | --- |
| Murder, second degree | 3 | 3 | --- | --- | --- | --- | 3 | --- | --- | --- |
| Obstructing public road | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Presenting gun | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Public profanity | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |

THIRTEENTH JUDICIAL CIRCUIT—*Continued.*

| CHARACTER OF OFFENSE | No. cases disposed of | Convictions | Acquittals | Nolle prosequies | Abated or withdrawn | No. sentences to | | | | Fines paid or secured |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Death | Penitentiary | Hard labor | Jail | |
| Resisting officer | 2 | --- | --- | 2 | --- | --- | --- | --- | --- | --- |
| Shooting across public road | 2 | 1 | 1 | --- | --- | --- | --- | --- | --- | 1 |
| Vagrancy | 1 | --- | --- | 1 | --- | --- | --- | --- | --- | --- |
| Temporary use of animal | 1 | --- | --- | --- | 1 | --- | --- | --- | --- | --- |
| Violating prohibition law | 4 | --- | 1 | 2 | 1 | --- | --- | --- | --- | --- |
| Violating revenue law | 38 | 15 | 2 | 16 | 5 | --- | --- | --- | --- | 15 |
| Violating written contract | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | --- |
| Total | 177 | 80 | 16 | 60 | 21 | 1 | 11 | 3 | 2 | 62 |

Percentage of convictions in cases disposed of, 46.
Predominant crime, Violating revenue law.

*Burglary—Reformatory, 1.

The Fourteenth, Fifteenth and Sixteenth Judicial Circuits were created by the Acts of September 28, 1903, October 12, 1903, and October 12, 1903, (General Acts 1903, pp. 283, 488 and 566), all of which acts were subsequently declared unconstitutional.

On the pages following will be found such opinions of the Attorney General rendered during my terms as may be deemed of public interest.

MASSEY WILSON,

Attorney General.

January 26th, 1903.

Hon. J. M. Carmichael,
Pres. Convict Inspectors,
Montgomery, Ala.

Dear Sir:—
I have your favor of the 22nd inst., as follows:

"Montgomery, Ala., 22, 1903.

Hon. Massey Wilson,
Montgomery, Ala.
Dear Sir:—

Lawyer Hubbard, a convict, escaped from the stockade of the Henderson Boyd Lumber Co., on the 26th day of September, 1901, a reward was offered for his apprehension, and he was shot by a young man named Buhler, about the last day of December, 1902, severely wounded and delivered to the sheriff of Montgomery county, placed in jail, where he died shortly afterwards.

The Henderson Boyd Lumber Co., was charged with two hundred dollars for the escape, and required to pay it, which the company did. See Section 4510, Code of Alabama.

The young man Buhler knew Hubbard, and that he was an escape, and that there was a reward for him. The man Hubbard was not restored to the custody of the Lumber Co., located in Coffee county, but died in the Montgomery county jail. Now should the company have the two hundred dollars refunded to it?

Yours truly,
J. M. CARMICHAEL,
President Convict Inspectors.

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The answer to your inquiry depends upon the proper construction of the word "recaptured" as used in Section 4510, of the Code. I have been unable to find anything in the statute which would be of aid in the interpretation of this Section. Section 5218 of the Code relates to the re-arrest of persons charged with crime and before con-

viction. Floyd v. The State, 79 Ala. 39, 3 H. N., 42. Under the rules of the common law, a private person had the right to arrest an escaped convict without warrant and anywhere within the limits of the State. Exparte Sherwood, 329 Texas Appeals Reports, 334, and cases there cited. By some authorities, if the convict was convicted for a misdemeanor, the right to recapture is limited to a public officer or the keeper of the convict. 11 Bishop on Criminal Procedure, 3rd Ed., Vol. 1, Sections 1382-3. You do not state whether the convict was under sentence for a misdemeanor or felony; but it is immaterial in this case because the reward offered by the keeper of the convict for his recapture was doubtless a delegation of power to the person making the arrest to make it. An arrest involves three elements: (1). Authority in the person making the arrest to make it; (2). Intention that it should be an arrest, of which the person arrested should be conscious; and (3) the restraint of the person arrested. A. & E. Enc., of Law 2nd Ed. Vol. 2, pp. 834-5, and notes. See also under title "Recapture of Criminals," A. & E. Enc. of Law, 2 Ed., Vol. 11, pp. 313, *et seq.*

Applying the principles collected from the foregoing authorities to the facts stated in your letter, I am of the opinion that the convict was "recaptured" within the meaning of the statute, and that the hirer is entitled to have refunded the $200.00, less any amount the State may have paid as a reward for his recapture.

I do not think, under the facts stated by you, the convict could, on habeas corpus, have secured his release. If not, he was legally detainel; if legally detained, he was recaptured. The statute makes recapture alone—not recapture and return to the place from which he escaped—the condition precedent upon the happening of which the $200,00 is to be refunded.

Very respectfully,

MASSEY WILSON,
Attorney-General.

Jan. 31, 1903.

Hon. W. W. Brandon,
Adjutant-General,
City.

Dear Sir:—

Answering your letter as to whether or not the members,—officers and men,—formerly comprising Company C. 2nd Infantry, recently mustered out of service, will be entitled to vote in any election held before the first day of Feb. 1903, I have to say that, after an examination of the constitutional and statutory provisions of the law relating to the subect, I am of the opinion that the members of said company are exempt from the payment of poll tax until the first day of Oct. 1903, and that they will have the right to vote (so far as the payment of poll tax is concerned) at any election held before the first day of Oct. 1903, without the payment of poll tax. The poll tax for the present year was due Oct. 1, 1902, and in my opinion a person exempt from the payment of poll tax on that date would not be required to pay the poll tax, notwithstanding the cause which exempted him does not continue until the first day of February, 1903, the date when the poll tax becomes delinquent. Constitution, Section 194; Acts of Alabama, 1898-9, p. 136, S. 18.

Very respectfully,
MASSEY WILSON,
Attorney-General.

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March 4, 1903.

COMMISSIONS ON POLL TAXES; COLLECTORS NOT ENTITLED TO.

Hon. Thos. L. Sowell,
State Auditor,
Dear Sir:—

In answer to your inquiry for an opinion touching the above subect matter, I beg leave to say:

The Statute provides that the tax collector shall be entitled to five per cent. of the amount of poll tax collected by him. Code, Sec.

3998. The following clause bearing on the right of a tax collector to commissions for collecting poll taxes is found in the Constitution: "Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process, nor any fee or *commission* shall be allowed for the collection thereof." It will be seen that the statute clearly allows to tax collectors a commission for collecting the poll tax, and the onstitution as clearly prohibits any commission being allowed them for such collection. The constitutional provision denying to the collectors the commission must prevail over the statutory provision allowing such commission, unless there is some other provision in the Constitution which would prevent its having effect. The only other provision of the Constitution which could remotely bear on the question is Sec. 281 in the article entitled "Miscellaneous Provisions." That section is as follows: "The salary, fees or compensation of any officer holding ny acivil office of profit under this State or County or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed."

In construing a constitution, to arrive at the intent of the framers is the prime obect. When that intent is expressed in clear and unambiguous terms, not in conflict with the general aim to be accomplished, the language used must be given its plain meaning, and must control. The obect and purpose to be attained must also be kept in view. When a clearly expressed clause in the Constitution on a specific subbect is seemingly in conflict with another general clause, the specific declaration prevails over the general. Terms used in the Constitution which had, at the time of its adoption, legislative interpretation and application, must be considered as having been used with reference to such construction.

The Section of the Constitution above cited declares in plain language that no commission shall be allowed for the collection of poll tax. The obect and purpose of the several constitutional provisions relating to the payment of poll tax are to make its payment entirely voluntary. No process is allowed to enforce its payment and no fee fee or commission is allowed for its collection. The conclusion is irrestible that the section of the Constitution above cited prohibiting a commission for the collection of poll tax, supersedes and abrogates the section of the Code which allows tax collectors a commission for collecting poll taxes. The clause of the Constitution deals with the the collection of poll taxes. The word "commission" for the collec-

tion of such taxes is used. The same word is used in the statute. This commission was the only commission allowed in the collection of poll tax when the Constitution was adopted. Certain other fees were allowed, but no other commission. The literal meaning of the language employed is in harmony with the general purpose of the Constitution. Denying to collectors the commissions would make them entirely disinterested in the collection of poll tax. It would destroy any motive on the part of the collector for urging the payment of poll tax. This is in keeping with the purpose to make the payment voluntary. Since both the very language and manifest purpose of the constitutional clause under consideration are in conflict with the section of the Code above cited, I am of the opinion that the Section of the Code is no longer operative and that the collectors are not entitled to the commissions mentioned therein.

Section 281 of the Constitution being general in its terms does not effect the force of Sec. 194 as to the subject under consideration. That section being general in its terms, cannot be construed to qualify another specific declaration in the Constitution on a clearly defined subect. If that section saves the commissions allowed for the collection of poll tax from the operation of Section 194 of the Constitution, it will also save the assessors fee for delinquent assessments and the collector's fee for delinquent collections, thereby defeating the very purpose of important poll tax provisions in the Constitution.

The office of Sec. 281 of the Constitution is evidently to impose the limitation on the power of the Legislature, and not to affect questions with which the Constitution itself deals.

I think the collectors should have compensation for their trouble and risk in collecting and paying over poll taxes; but as it seems to me the statute allowing them commissions is clearly violative of both the letter and spirit of the Constitution, I am compelled to advise that in my opinion the said Statute is invalid.

Respectfully,

MASSEY WILSON,

Attorney-General.

March 23, 1903.

REVENUE LAW, WHETHER PENAL OR REMEDIAL; WHEN TAKES EFFECT; REMEDY TO COLLECT PRIVILEGE TAX.

Hon. Thos. L. Sowell,
State Auditor,
Dear Sir:—

In answer to your verbal request that I give you my opinion when sub-division 44 1-2 of the act "To Better Provide for the Revenue of the State," approved March 4, 1903, becomes operative, I respectfully submit my opinion on the question as follows:

The sub-division of the statute referred to requires persons selling oil in the state in certain quantities to use a tag tax for every gallon of oil sold. It designates the form of the tag, provides for the test of the oil, and for the guaranteed test to be stated on the tag. The tags represent a tax of 1-2 cent each. After defraying certain ex penses connected with the printing and sale of the tags, and testing of the oil, the money raised from the sale of the tags, is required to be covered into the state treasury. Punishment is provided in the sub-division for violating certain requirements thereof. (Revenue Act, Sub-Div. 44 1-2.)

The act is silent on the question of when it is to become operative. In this state, statutes, other than penal statutes, are operative from the date of their enactment unless otherwise provided in the statute. (Phoenix Carpet Co. v. State, 118 Ala. 143; Taylor v. State, 31 Ala. 383.) The last step in the enactment of the statute under consideration was its approval by the Governor. As stated above, it was approved March 4, 1903. Penal statutes do not take effect until thirty days after the adournment of the Legislature at which they are passed, unless otherwise specially provided in the act.—(Code, Sec. 5540). The Legislature may prescribe in an act, either remedial or penal, when it shall take effect. The Constitution of this State contains no provision on the subject. (Henbach v. State, 53 Ala. 523.) In determining whether or not this statute is effective the following questions are raised. (1) Is the statute a penal law; (2) If so, has the session of the legislature at which it was passed adjourned, within the meaning of the statute above noted? I think there can be no doubt but that part of the statute which makes it a misdemeanor and defines the punishment for a violation of its pro visions is penal. This part of the law provides for the enforcement

of a penalty for transgressing its provisions. Such a statute cannot be other than a penal law. (Armstrong v. Bufford, 51 Ala. 410; Ross v. Montgomery, 101 Ala. 363). There can be no doubt, then, that the operation of this much of the statute is postponed until thirty days after the adjournment of the Legislature at which it was passed. In my opinion, the adjournment here referred to is the final adjournment. It means the close of the session. It does not mean an adjournment from day to day, although such adjournment may cover a space of more than thirty days. (Con. Sec. 48; Cushing's Law & Practice of Legislative Assemblies, Sec. 503, 509, et seq.) The original act, now embodied in Sec. 5540 of the Code, showed more clearly than the section of the Code as it now stands that it was intended to postpone the effect of the criminal laws until thirty days after the final adjournment of the session, in that such laws should not take effect until that time even though in the meantime the Legislature might recess for more than thirty days. The title of the act is "Fixing the time when Certain Laws Shall Take Effect." It provides "that hereafter no penal act shall take effect against any person in this State until thirty days after the adjournment of the session of the Legislature at which such act may be passed." (Acts 1866-67, p. 40). It is clear, if the foregoing propositions are sound, that so much of the sub-division of the revenue law under consideration as makes a violation of its provisions punishable by fine, is a penal law, and will not take effect until thirty days after the adjournment of the Legislature; that the Legislature has not adjourned; and that, therefore, said provisions are not yet operative and will not be until thirty days after the final adjournment of the Legislature.

A law may, however, be in part penal, and in part remedial. (Sutherland On Statutory Construction, Secs. 359, 360 and notes. Endlich on the Interpretation of Statutes, Sec. 332, note 39; Diversey v. Smith, 103 Ill. 398.) I think that the character of the statute under consideration. While the part of it which provides for punishment for its violation is penal, that part of it which levies the tax, defines the amount of it and provides machinery for its collection is remedial so far as the State is concerned, or at least is not penal. (Cooley on Taxation, 2d. Ed. 270, 275; Sutherland on Statutory Construction, Sec. 361, n. 4; 363, n. 1 on p. 463; 208, n. 4; Endlich on Interpretation of Statutes Sec. 346, n. (c) 126; n. 125, on p. 481; Am. & Eng. Enc. of Law, 1st Ed., Vol. 25, p. 11, et. seq., and notes; Brady v. Daly, 175 U. S. 148; Jahns v. Notting, 29 Cal. 507,

512; Cornwall v. Todd, 38 Conn. 443.) The criminal part of the law is severable and distinct from the part of it that levies the tax. They are distinct statutes, just as much so as if they were on seperate pieces of paper and in the form of distinct enactments. In a State like ours where there is no provision in the Constitution forbidding such practice, a part of a statute may be made effective at one time, and another part of the statute at another and different time. As a matter of fact, this has often been done in this State. (Olmstead v. Crock, 89 Ala. 228; Lane v. Kolb, 92 Ala. 636; Act of the present Legislature making R. R. Commission elective, in manuscript; Stone v. Charlestown, 114 Mass. 214)., If a general statute defines the time when laws shall take effect, and a particular law provides that certain parts of it shall become operative at a certain time and is silent as to the remainder of the law, that part of it which the act specifies shall take effect at a certain time becomes operative at that time, and the remainder of it becomes operative at the time fixed by the general statute. (Plummer v. Jones, 84 Maine, 58). An analogous principle is applied in the case of statutes held to be in part void. So much of the statute as is void would never take effect at all, and still the remainder might take effect according to the general law on the subject. (Harper v. State, 109 Ala. 28). As an example, if so much of the statute under consideration as is criminal in its nature should be declared void because not sufficiently expressed in the title, or for other reason, doubtless the remainder of the statute would take effect upon the approval of the Act. In the case of Phoenix Carpet Co. v. State, 118 Ala. 143, cited above, the act under consideration was an act to amend the revenue laws of the State. The prosecution in that case was for engaging in or carrying on business without having taken out a privilege license. The court held that that statute became operative on its approval. I am, therefore, of opinion that so much of the subdivision under consideration as is not criminal became operative on the approval of the act by the Governor and is now in effect. While the prosecution for a violation of the statute may be postponed, still the State is not without remedy. The State may bring a civil action for the recovery of the tax against persons who owe it. It is true that the statute gives a remedy for the collection of the tax, but our court has held that the state may maintain assumpsit

for a tax notwithstanding a remedy is given for its collection, if such other remedy is not declared to be exclusive. City of Anniston v. Southern Ry. Co., 112 Ala. 557.

Very respectfully,

MASSEY WILSON,

Attorney-General.

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March 11, 1903.

REGISTRAR ENTITLED TO COMPENSATION ONLY WHEN IN ATTENDANCE ON A SESSION OF THE BOARD.

Hon. Thos. L. Sowell,

State Auditor,

Dear Sir:—

In reply to your verbal request for an opinion as to the right of a member of the board of registrars to receive compensation for services other than rendered while attending a session of the board, I have to say that in my opinion such member of the board of registrars is not entitled to such compensation.

The Constitution provides that each registrar shall receive $2.00 per day for each entire day's attendance upon the *Sessions* of the board.—Const. Sec. 186, Sub-Div. 1. It is also provided that the action of the majority of the board shall be the action of the board, and that a majority of the board shall constitute a quorum. Const. Sec. 186, Sub-Div. 6. This would doubtless be true even if it were not expressly so stated in the Constitution. It seems to be clear that compensation is not allowed except for attendance upon sessions of the board. It would be reasonable and just, no doubt, to pay a registrar his per diem under circumstances such as the case you refer to me, but I find no authority of law for such payment.

Very respectfully,

MASSEY WILSON,

Attorney-General.

March 11, 1903.

SCHOOL LANDS; SALE OF ON CREDIT; SUBJECT TO TAXATION UNTIL PURCHASER'S INTEREST TERMINATED.

Capt. Harvey E. Jones,
State Tax Commissioner.

Dear Sir:—

I am in receipt of your communication asking me to pass upon this questions: Is sixteenth section school land sold on time under the Code subject to taxation before the payment of all the purchase money and the issue of a patent?

When sixteenth section school land is sold on time as provided in the statute upon compliance by the purchaser with the requirements as to the cash payment and execution of notes with sureties for the balance, a certificate issues to the purchaser.—(Code, Sec. 3647). This certificate conveys to the purchaser a conditional estate in fee. The title which it vests in the purchaser reverts to the State upon the happening of the events enumerated in the statute. (Code, Sec. 3648; Watson v. Prestwood, 79 Ala. 416, 2 h. n. 418). Until one of the events upon the happening of which the statute declares the title will revert to the state occurs, I have no doubt but the land should be assessed against the purchaser for taxation. (Code, Sec. 3911, Sub.-Div. 1; 25 Vol. A. & E. Enc. of Law, 1st Ed., pp. 120-123 and notes; p. 113 and notes.) Ous supreme court has held that the holder of a privilege to enter upon and cut timber from land has such an interest in land within the meaning of the Section last cited as will subject him to the payment of taxes on the value of his privilege. (Freeman v. State, 115 Ala. 208). Certainly the owner "of the conditional estate in fee" in land owns a greater interest therein than a mere licensee to cut timber. The statute which exempts from taxation the property of the State (Code, Sec. 3907, Sub.-Div. 2) does not relieve the purchaser from liability for taxes on the land purchased by him. Until someone of the conditions named in the statute which will cause the title to revert to the State has happened, the land is the property of the purchaser, and the purchase money which has been paid and the notes which are due and unpaid are the property of the State. These last are exempt from taxation.

Very respectfully,
MASSEY WILSON.
Attorney-General.

March 28, 1903.

DISPENSARY LICENSES; WHEN STATUTE IMPOSING TAKES EFFECT; WHEN LICENSES PAYABLE; WHAT AMOUNT PAYABLE.

Hon. Thos. L. Sowell,
State Auditor.

Dear Sir:—

In answer to your request that I give you my opinion of the law touching dispensary licenses in the cases raised by certain questions you propound, I will proceed to answer said questions *seriatim*.

1. Are they liable for the increased license as provided by the present revenue law?

The license as fixed in the new law, and not that prescribed in the old law, should be paid. The act declares the privilege tax to be a per annum tax. It lays down the procedure followed in cases where more license has been paid. I lays down the procedure followed in cases where more license has been paid for the current year than is required under the new law; where the license before paid is required under the new law; where the license before paid is equal to or does not exceed that required to be taken out; and where license has been paid and the license required by the act exceeds the amount paid. This clearly shows it was the intention of the Legislature that the amount of the license as fixed in the new law should be paid for the present year.

2. Is the present law enforcible now?

The answer to this question depends upon when the revenue law takes effect.

The proposition was raised in the matter of the tag tax imposed upon dealers in oil. I gave you my opinion in that matter, based upon authorities therein cited, to the effect that so much of the law as levied the tax and provided machinery for its collection was remedial, or at least not penal, and took effect on the date of the approval of the act. It is needless to go over the argument and to cite the authorities in support of it again. For the reason given in the opinion referred to, I think dispensaries are liable for the increased license tax required by the present revenue law.

3. Is the license payable quarterly as required by the old law or is it payable annually?

The present law does not purport to be a revision of the prior law. It is an independent enactment. Therefore it is not to be construed to take the place of the old law as an entirety, unless it is clear the Legislature meant for the new law to cover the whole field covered by the old law. (Sutherland on Statutory Construction, Sec. 156, and notes). It is true the sub-division under consideration has a clause at the end repealing all laws in conflict with it. But as said by Judge Stone in the case of Lane v. Kolb, 92 Ala. 636, p. 646, "This clause accomplishes nothing. The same result would follow if it had been omitted. It repeals, and only repeals, laws or parts of laws in conflict with it. . . . . a late legislative enactment always does that. . . . . The repeal is only co-extensive with the conflict or incompatibility." The old statute regulated both the amount of the license, and the time of payment. The new statute regulates only the amount of the license, and is silent as to the time of payment. Under these circumstances it cannot be said that the older statute was intended by the Legislature to be a complete substitute for the older statute. I think the license is payable quarterly as provided in the old law.

4. Must the whole year's license be paid or only the pro rata of the remainder of the year?

I think the whole year's license must be paid, unless under the old law the license was paid equal or in excess of that required under the new law. If the license tax has been paid under the old law of less amount than is required under the new law, the licensee is entitled to a credit to the extent of the amount paid on the new license. (See the concluding sentence of the act.)

Very respectfully,

MASSEY WILSON,

Attorney-General.

Sept. 19, 1903.

Hon. A. M. Tunstall,
Speaker of the House.
Dear Sir:—

I have your favor for this date.

You desire to know whether, in my opinion, subordinate employes of the Legislature may be paid $4.00 per day for working in the office of the Clerk of the House, and also $4.00 for the same day for working in the office of the Engrossing Clerk of the House. The statute provides that the compensation of the assistants to the Clerk of the House and the Engrossing Clerk of the House shall be paid $4.00 per day for the time for which they are actually employed. Section 3, Act of January 26, 1903. This fixes the maximum compensation of an assistant to the Clerk or the Engrossing Clerk, or either, or to both combined, at $4.00 per day. I think such an assistant entitled to only $4.00 per day even though he may serve partly as an assistant to the Clerk, and partly as an assistant to the Engrossing Clerk.

Very respectfully,
MASSEY WILSON,
Attorney-General.

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Oct. 14, 1903.

REGISTRATION OF FERTILIZER BRANDS OR TRADE MARKS; REDEMPTION OF FERTILIZER TAX TAGS.

Hon. R. R. Poole,
Commissioner of Agriculture and Industries.

Dear Sir:—

I acknowledge receipt of your request that I give my official opinion of the proper construction of certain provisions of the "Act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials, and chemicals in the State of Alabama," approved March 3, 1903. You desire to know:

1. Whether or not it is the duty of the Commissioner to refuse registration of a brand name, or trade mark, or either, if it is similar to but not exactly the same as a brand name, or trade mark, or either, already registered and in use by another person, firm or corporation.

2. Whether or not tax tags left in the possession of the manufacturer at the end of the fiscal year 1903, may be redeemed with new tags if presented within sixty days after September 30, last.

Manufacturers, jobbers and manipulators of fertilizers, who may desire to sell the same in the State of Alabama, are required to file with the Commissioner of Agriculture the name of each brand of fertilizer, which they may desire to sell. (Sec. 1 of above Act.) A brand name, or trade mark, or either, registered and in use by one manufacturer is not entitled to registration by another. (Section 9 of the above Act.) The purpose of a trade mark is to identify the goods as those of the manufacturer who uses such trade mark or brand. This serves the double purpose of protecting the purchaser who buys upon his faith in the manufacturer whose goods he supposes he is buying; and also the manufacturer, by preventing others from reaping a benefit by using his trade mark or brand. The object of the law would be as effectually defeated if a rival is permitted to register as his own the essential features of the trade mark or brand of another manufacturer as it would be if he is permitted to register the exact trade mark or brand. If a trade mark or brand offered for registration is so similar to one already registered as to make it likely that its use might mislead or deceive, I think it should not be registered. Just what similitude will constitute an infringement is often a nice question on involving many considerations. It is impossible in advance to cite instances or state imaginary cases which would be of service. The only safe course would be to decide each case as it arises.

The answer to your question does not require that I undertake to define what is a trade mark, which may be exclusively appropriated by its first user; what would be the effect if a manufacturer should register as his trade mark that which he would not have the right to adopt to the exclusion of others; or, if he should first offer for registration a trade mark which had already been in use by another, but which had not been registered by such other. I do not express any opinion upon any of these questions.

The Act in question, by its terms, did not become operative until October 1. Notwithstanding this I am of opinion that the tax tag

exchange feature applies to tags on hand at the end of the fiscal year which ended September 30, last, if the provisions of the statute are followed by the manufacturer desiring to make the exchange. (Sec. 7 of the Act.)

Very respectfully,
MASSEY WILSON,
Attorney-General.

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Dec. 8, 1903.

RECORD TAX ON MORTGAGES; CONDITIONAL SALES NOT SUBJECT TO; WHEN TAX TO BE PAID ON INTEREST; EXTENSION AGREEMNTS.

Hon. Thos. L. Sowell,
State Auditor,
Dear sir:—

Complying with your request I give you below my views relating to several questions arising out of the statute requiring record tax on mortgages.

1. The language of the statute is that "no mortgage, deed of trust, or other instrument in the nature of a mortgage, which is given to secure the payment of any debt, executed so as to convey real property or any interest in real property or personal property which is situated within this State shall be received for record," unless the record tax shall have been paid. Does this require the payment of such a tax upon contracts evidencing conditional sales offered for record? The language is "mortgage, deed of trust, or other instrument in the nature of a mortgage." Contracts of conditional sales are not mentioned in terms. Such an instrument is clearly not a mortgage or deed of trust. I do not think it is an instrument in the nature of a mortgage, within the meaning of this statute. Not only must the instrument be one of those named, but it must have been executed so as to convey title to property and to secure an indebtedness. Contracts of conditional sales are not usually given for this purpose. They are executed by the purchasers of personal property as evidence that the title did not pass, and not to pass title to property to secure an indebtedness. I do not think a record tax can be charged upon contracts of conditional sales. The

debt for the property conditionally sold is subject to taxation as a solvent credit, at the rate at which property is assessed for taxation.

2. You desire to know if the interest should be included in ascertaining the amount of indebtedness secured by the mortgage upon which the tax should be paid. The general rule is that in taxing property it should be assessed at its value at the time the tax is imposed, and not at its prospective or future value. If interest is expressly contracted for it becomes a primary indebtedness and not a mere incident to the debt. Nevertheless, the benefit to the promisor is the use of the money and he has not had the use of the money, of course at the time the instrument is executed. Tax laws should not be construed liberally in favor of the government. Some courts and text writers go so far as to assert that such laws should be construed strictly in favor of the citizen, and against the State. I suppose the proper construction of the word indebtedness used in the statute would be to limit it to the amount of the debt due at the time the mortgage is executed, and that the tax should not be required to be paid upon interest. If the interest is merged in the sum expressed in the mortgage so it is impossible to ascertain from the instrument what part of it is original indebtedness and what part of it is interest, then the tax should be required on the whole amount of indebtedness expressed on the face of the paper.

3. I do not think an instrument, the sole purpose of which is to extend an indebtedness due under a mortgage already in existence, is subject to the privilege tax. Such an instrument is neither a mortgage, deed of trust, or instrument in the nature of a mortgage, nor does it convey title to property.

Very respectfully,

MASSEY WILSON,

Attorney-General.

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Feb. 3, 1903.

Hon. Thos. L. Sowell

State Auditor

Dear sir:—

In response to your verbal request that I give you my opinion as to whether or not you have the right to draw a warrant on the treasurer for the payment of the examiner of public accounts until

and unless the Legislature appropriates money for that purpose, I give you my opinion as follows:

The salary of the Examiner of Public Accounts is fixed by law at $1800.00 per annum.—Code, Sec. 1876. This statute is permanent in its nature. The Constitution forbids the payment out of the State Treasury of any money except upon appropriation made by law. Con. Sec. 72. A similar provision is found in each of the preceding constitutions of the State. As to whether or not this constitutional provision requires a separate appropriation act appropriating the money to pay the officer's salary, the amount and time of payment of which has been fixed by law, or whether the fixing the salary is a sufficient appropriation of the money to pay it, has several times been the subject of judicial decision in this State. As I understand the decisions, the fixing of the salary in such case is a sufficient appropriation, and authorizes the Auditor to draw his warrant for the amount. Riggs v. Brewer, 64 Ala. 282; Reynolds v. Taylor, 43 Ala. 420; Riggs v. Pfister, 21 Ala. 469; Nichols v. The Comptroller, 4 S. & P. 154.

In Riggs v. Brewer, supra, the court used the following language: "The statute (Code of 1876, Sec. 586) fixed the salary of the marshal and librarian of the Supreme Court, at two thousand dollars annually. The salary being thus fixed by a general statute, permanent in its nature, no special appropriation by the General Assembly was necessary to entitle him to demand payment of it, nor to authorize the auditor to draw a warrant on the treasurer for its payment. The statute, of itself, operated as an appropriation, and satisfied the constitutional requirement that money shall be drawn from the treasury only upon appropriations made by law. Nichols v. Comptroller, 4 St. & Port. 154; Reynolds v. Taylor, 43 Ala. 420. A subsequent statute, merely appropriating a less sum than that fixed as the salary by the general statute, would not operate a repeal by implication of the latter.—Reynolds v. Taylor, supra."

In Reynolds v. Taylor, supra, is found the following: "2. He insists that the application of appellee should be denied, because it is not shown that an appropriation had been made to pay his salary, as marshal, etc., at the sum claimed by him; but that appropriations had been made to pay him one thousand dollars salary per annum only, and not two thousand dollars as claimed. We know that the general appropriation acts of 1866 and 1867, appropriated

one thousand dollars only, for the payment of the salary of the marshal of the supreme court. This objection is sufficiently answered, by a decision of this court, made more than thirty years ago. In the case of Nichols v. The Comptroller, 4 Stewart & Porter, 154, it is decided that in order to authorize the comptroller to issue his warrant on the treasury, for the amount of a salary, it is not necessary that there should be a special annual appropriation by act of the Legislature, where there is a general law fixing the amount of the salary, and prescribing its payment at the particular periods.

"We are not aware that this decision has been doubted from that day to the present time. It is therefore, the law of this court. That case also decides that a mandamus lies against an officer of the executive department, to compel the performance of his duty. It also decides that a mandamus will go to the comptroller of public accounts, to compel the insurance of a warrant on the treasury, where the right to such warrant is clear, and no other remedy is provided. Is the right of the appellee in this case clear? Was he as marshal of this court, and librarian *ex officio* of the library of the State, and of this court, entitled to a salary of two thousand dollars annually, instead of one? If so, then it was, and is, the duty of the comptroller and auditor to issue warrants on the treasurer accordingly."

In Nichols v. The Comptroller, supra, is found the following statement: "It is conceded that no money can be drawn from the treasury, but in pursuance of an appropriation made by law, but it is not necessary that there should be an act passed annually, for the appropriation; if there is a general law fixing the salary, requiring it to be paid at the treasury, annually or quarter annually, this is sufficient."

It is my opinion, based upon foregoing decisions of the supreme court, that the examiner of public accounts is entitled to a warrant for his salary, and that the statute fixing his compensation is sufficient appropriation therefor and authorizes the auditor to draw his warrant for the same.

Very respectfully,

MASSEY WILSON,

Attorney-General.

January 23, 1904.

TOWNSHIP TRUSTEES; EXEMPT FROM THE PAYMENT OF POLL TAX; RIGHT TO VOTE.

Hon. Isaac W. Hill,
Supt. of Education,
Capitol.

Dear Sir:—

I acknowledge receipt of a letter from Mr. L. M. Stevenson, Superintendent of Education of Randolph County, addressed to you, and asking whether or not Township Trustees are required to pay a poll tax in order to be qualified to vote. You request me to give you my view of this question.

The Constitution declares that "to entitle a person to vote at any election by the people, he shall have . . . . paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year." Constitution, Section 178. And that, "the poll tax mentioned in this article shall be one dollar and a half upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law." Constitution, Section 194.

So it will be seen that the payment of the poll tax is necessary to qualify a person to vote, except those persons exempt from the payment of poll tax on the date of the ratification of the Constitution November 28, 1901. On that date, and for many years prior thereto, the statute was in force which exempts Township Trustees from the payment of poll tax, so long as he shall continue in office and perform the duties thereof. Code, Section 3575. Township Trustees being exempt from the payment of poll tax at the date of the ratification of the Constitution, and the Constitution declaring that the poll tax mentioned therein shall be $1.50 upon each male inhabitant not exempt by law, I am of the opinion that Township Trustees are not required to pay the poll tax in order to qualify to vote.

Very respectfully,
MASSEY WILSON,
Attorney-General.

May 17, 1904.

## SALARY OF GOVERNOR AND LIEUTENANT GOVERNOR DURING DISABILITY OF GOVERNOR.

Hon. Thos. L. Sowell,
State Auditor, Capitol.

Dear sir:—

Pursuant to your request, I have investigated the law relating to the right of the Governor of Alabama to draw his salary from the Treasurer while sick and unable to discharge the duties of his office because of such sickness, and while the Lieutenant Governor is temporarily exercising the power and authority of the office, and respectfully submit my conclusions upon the subject.

In case of the Governor's disability to discharge the duties of his office, the power and authority of the office devolve upon the Lieutenant Governor, until the Governor is relieved from such disability. Constitution, Sec. 127.

If such disability on the part of the Governor is because of sickness, it is the duty of the Lieutenant Governor to administer the government until the Governor shall appear in person at his office, and file with the Secretary of State a declaration that he resumes the duties of his office. (Acts, 1900-01, p. 245, Sec. 2.) Even though the Governor may be under such a disability as to cause the power and authority of the office to devolve upon the Lieutenant Governor yet the Governor still holds the title and right to his office; he is nevertheless Governor, and the Lieutenant Governor is still but Lieutenant Governor, although, for the time being, with increased duties and powers.

It is a rule of general application that where the law provides compensation for a public officer, the person holding the title to the office is entitled to such compensation. The salary follows as an incident to the office. (Mechem on Public Officers, Sections 85-6; Throop's Public Officers, Sec 443; 23 A. & E. Enc. of Law, 2 ed., p. 396.) The Constitution provides that the Governor shall receive compensation to be fixed by law, which shall not be increased nor diminished during the term for which he shall have been elected. (Constitution, Sec. 118.) The statute fixes the salary of the Governor at five thousand dollars per annum, payable monthly. (Code, Section 1954, Acts 1903, p. 32.) It follows as an irresistible conclusion that the Governor still retains the right and title to his office,

although too ill to discharge his duties and is entitled to his salary, notwithstanding such disability. This view is taken by several of the courts of the country in well considered cases. (Bryant v. Cattell, 15 Iowa, 535, 551; Sleigh v. U. S., 9 Ct. of Cl., 369, 375; O'Leary v. Board of Education, 93 N. Y., 1.) In the case of White v. Denson, 123 Ala. 577, the validity of an Act of the Legislature requiring a deduction to be made from salaries of circuit judges who should fail to hold their courts, even though such failure might be the result of sickness or providential cause, was assailed. The court in that case held the statute void, and offensive to the constitutional clause to the effect that such judges should receive compensation to be fixed by law, which should not be decreased during their terms. The point decided in that case is analagous to the question under consideration, and the decision is authority for the view I have taken.

The compensation of the Lieutenant Governor, while serving as Governor, is the same as that allowed the Governor. (Constitution Sec. 118). This provision of the constitution is self-executing, and needs no statutory enactment to give it effect. It is, also, of itself, an appropriation by law, and may be drawn by the Lieutenant Governor, when he is entitled to it without a legislative appropriation. (Constitution, Sec. 73; Reynolds v. Taylor, 43 Ala. 420.)

Very respectfully,

MASSEY WILSON,
Attorney-General.

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August 24, 1904.

JUSTICES OF THE PEACE NOW IN OFFICE MAY CONTINUE THEREIN TILL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED.

Hon. R. M. Cunningham,
Lieutenant and Acting Governor,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your recent letter asking that I advise you whether or not the justices of the peace now in office may continue therein until successors are elected and qualified.

The constitution does not fix the term of office of the justices of the peace, but directs that "the term of office of such justices . . . . . shall be provided for by law." (Constitution, 168· Constitution of 1875, Article VI, section 26.) In obedience to this constitutional mandate the legislature provided, in the Code of 1896, that two justices of the peace for each election precinct "shall be elected on the first Monday in August, 1900, and each fourth year thereafter" (Code, 1576); that justices of the peace "shall hold office for four years and until their successors are qualified" (Code, 2658); and that justices of the peace shall hold their offices "for the term of four years from the first day of September next after their election, and until their successors are elected and qualified." (Code, 3055). No election was held for justices of the peace on the first Monday in August, 1904. The Legislature had, before that date, changed the time of the election for justices of the peace from the first Monday in August to the first Tuesday after the first Monday in November, 1904, and every fourth year thereafter. (General Acts, 1903, pages 449-50.) Hence, successors of the incumbents of these offices will not have been elected, and cannot qualify until after thhe expiration of the fixed term of four years. Under the statute above cited they are entitled to their offices until the first day of September, 1904, and "until their successors are elected and qualified." As above pointed out their successors will not have been elected and qualified on the first day of September, next. What effect, then, has the clause "until their successors are elected and qualified" found in the statute fixing the term?

In an opinion to the Governor dated January 31, 1903, I had occasion to discuss the right of an officer whose term had expired to hold over by virtue of a clause identical with that now under consideration, in which I said: "So far as I have been able to ascertain the direct question has never been decided by our supreme court. In at least two cases our court says that under such circumstances there is a vacancy. The question however, was not directly involved in the decision of either of these cases, and the court, should the question again arise, might not feel bound to follow the dictum of those cases. In one of the cases referred to above Chief Justice Brickell speaking for the court, and referring to the clause *until his successor is duly elected and qualified*, says: "The manifest object of the clause is, to prevent a misconstruction of the charter, possible if there was not express provision for the interval elapsing of necessity between an election and the qualification of the officer.

This interval may vary in length, under particular circumstances; but it was never within the legislative contemplation, that, under this clause, an official term could be prolonged beyond a reasonable time for the newly elected officer to qualify. If for such time he failed to qualify, there would be a vacancy, to be filled as the charter directs. This is the whole scope of the clause; and so construing it, harmonizes the whole provision, and effects the intent of the legislature, that the term of office shall be two years, and not of indefinite duration'." Montgomery v. Hughes, 65 Ala. 201-7. The case from which this extract was taken was an action against the sureties on the official bond of an officer, and the reasoning of the decision was that the sureties could not be presumed to have contracted for the liability during the term and also for an indefinite time thereafter, in case a successor should not be elected and qualify. So the statement by the court of the foregoing proposition could not be more than an argument at most, and is not the direct decision of the question. In the case of Lane v. Kolb, 92 Ala. 636, on pages 645-655-656, the court assumes as sound the statement in Montgomery v. Hughes, but in that case, as in the former case, the point was not directly in issue. The courts in the other states are divided on the question. The weight of authority outside of Alabama seems to be that if an officer is elected for a given number of years and until his successor is elected and qualified, if no election is held at the expiration of his term, there is no vacancy because there is a person remaining in office qualified to discharge the duties of the office.—Mecham on Public Officers, section 128-29 and notes; Throop on Public Officers, section 330; The State ex rel Carson v. Harrison, 113 Ind. 434; People v. Tilton, 37 Cal. 614; Commonwealth v. Handley, 9 Pa. State Rep. 513; Johnston v. Wilson, 2 N. H. 202; State v. Howe, 18 Am. Rep. (Ohio) 321; Pearson v. Edwards, 28 Pac. Rep. 831

There is authority, however, in line with the dictum found in the Alabama cases. These cases hold that if no election is held or no successor qualifies within a reasonable time there is a vacancy in the office. Robert v. Murphy, 13 So. Rep. (Fla.) 705; State v. Thomas, 102 Mo. 85, 90; Attorney General v. Burnham, 61 N. H. 594.

If the justices of the peace now holding office had no other ground upon which to rest a claim to the right to their offices for the time which will elapse between September the first, next, and the election and qualification of their successors in November, it probably

would be safer to act upon the presumption that they have no such right. That conclusion would be in harmony with the expressed understanding, if not the decision, of our supreme court. But I think the fact that the legislature repealed the law which provided for the election of successors before the first of September, and enacted in its stead a law which fixes the election at a date later than that, is entitled to weight in the decision of the question. The legislature made no provision for filling these offices during the interim, unless it extended, by implication, the terms of the incumbents. No express provision is made therefor. It seems that the Governor would have no right to appoint for this intervening time under his authority to fill vacancies. Such authority seems to extend only to cases in which a person has been elected for the term, and for some reason a vacancy occurs, leaving an unexpired term; or, after an election to a term there has been a failure to qualify; or, after the expiration of the term there has been a failure to elect at a general election for that purpose. (Code, 2659, 4143, 3085.)
election for that purpose. (Code, 2659, 4143, 3085; Little v. Foster, 130 Ala. 154; Fox v. McDonald, 101 Ala. 51, 5 and 6 H. N., 70-1.)

It will thus be seen that if the term ends September first, next, the Governor will have no authority to appoint for the time intervening between that date and the election and qualification of successors in November. A special election might be held for that purpose (Code, 1598, Sub. 4); but a construction should be avoided, if possible, which would cause the public expense and inconvenience which would result from a special election. I think the statute which postpones the election of successors (considered in connection with the statute that the present officers shall hold till successors are elected and qualified) extends, to that extent, the terms of the incumbents. It is usually held that where a statute directs the legislature to prescribe an official term, and the legislature has enacted a law fixing the term, and an officer has been elected for the prescribed term, the legislature is powerless to extend such term, just as it would be to extend a term the length of which is fixed in the constitution itself.—(State v. Arrington, 18 Nev. 412; People v. Buli, 46 N. Y. 57, 7 Am. Rep. 302; People v. McKinney, 52 N. Y. 374; People v. Foley, 418 N. Y., 677; State v. Tallman, 24 Wash. 426; People v. Randall, 151 N. Y. 497; People v. Palmer, 154 N. Y. 133).

It has also been held, however, in many jurisdictions that while under such circumstances the legislature may not extend a term,

still, it may change the date of election to suit the public convenience, or to avoid frequent elections, although such change may incidentally result in the extension of the term, unless there is something apparent upon the statute which indicates that the change in the date of election was really for the purpose of extending the term, and not fixing, in good faith, a convenient date for holding the election.—(State v. Ransom, 73 Md. 76; State v. McGovney, 92 Mo. 428; Jordan v. Bailey, 37 Minn. 174; State v. Benedict, 15 Minn. 198; Wilson v. Clarke, 63 Kans. 505; State v. Anderson, 64 Kans. 47; People v. Church, 6 Cal. 767.)

I think the justices now holding office may rightfully continue to exercise the powers and duties thereof until the election and qualification of their successors.

There is little risk that injury will result from following this course, even should my conclusion be erroneous. If the incumbents continue to hold by virtue of their former election, under the statutes above cited, and to exercise the functions of their offices, they will, at least, *de facto* officers, and their acts will be valid and binding so far as the public is concerned.—Cary v. The State, 76 Ala. 78, 5 h. n. 84-6.

You did not ask that I express an opinion as to when the term of the successors of the present officers will begin, and upon that question no opinion is expressed.

The term of these officers having been impliedly extended, they are within the act approved September 17, 1905, (General Acts, 1903, pages 238) requiring county officers whose terms have been extended to execute new bonds for such extended terms. The sureties on their present bonds would not be liable for a breach occurring after the expiration of the time within which, under the old law, successors would have been required to file new bonds. (Code, 2661, 3080.) New bonds should be filed and approved on or before the tenth day of September. A failure to give such new bond will cause a vacancy.

Very respectfully,

MASSEY WILSON,

Attorney-General.

Sept. 7th, 1904.

A COPY BOOK IS A TEXT BOOK, AND THAT ADOPTED MUST BE USED IN THE PUBLIC SCHOOLS WHEN WRITING IS TAUGHT.

Hon. Isaac W. Hill,
Supt. of Education,
Capitol.

Dear Sir:—

Your request for an opinion as to the proper construction, in the particular hereinafter indicated, of the recent Act of the Legislature, providing for the creation of a Text Book Commission, and to procure for use in the public free schools in this State, a uniform series of text books, has been received.

The facts upon which information is desired are as follows:

Under this act the Text Book Commission selected and adopted for use in the public schools, a copy book published by Eaton & Company, and the contract was awarded to that firm to furnish these copy books for use in the public schools of this state, for a period of five years.

The Text Book Commission, in construing this Act has held that it was permissible to teach writing in the public schools of Alabama, without copy books, and in some of the public schools, writing has been taught and is being taught without using the copy books, selected and adopted by the Text Book Commission. The question for consideration is, can it be left to the discretion of school boards. or teachers to decline to use any text book selected and adopted by the Text Book Commission, and teach such branch of study by some other method, and without the use of such text books so selected and adopted.

It is declared in Secs. 1, 16 and 17 of the Act: "that the Governor, State Superintendent of Education, and three eminent teachers of the State . . shall be and hereby constituted the School Book Commission of the State of Alabama, whose duty it is to select and adopt a uniform series or system of text books *for use* in the public schools of this state. Said Commission is hereby authorized, empowered and *directed* to select and adopt a uniform system or series of text books for use in the public schools in this State, as above indicated, and when so selected and adopted, the said text books shall be *used* for a period of five years in all the public schools of this State,

and it shall not be lawful for any officer, director or teacher, to use any other books upon the same branches other than those adopted by said State Text Book Commission. Said uniform series shall include the following branches of study, to-wit: Orthography, reading, writing, artihmetic, geography," etc.

"That any person or teacher violating the provisions of this act, shall become guilty of a misdemeanor, and upon conviction, be punished by a fine not less than ten dollars nor more than fifty dollars."

"That any teacher who shall use or permit to be used in his or her school, any text book upon the branches embraced in this act, where the Commissioner has adopted a book on that branch other than the one so adopted, shall be guilty of a misdemeanor, and upon conviction, punished as provided for in Section 16 of this act."

It will be observed that Section one of the Act specially provides,

First—For the appointment of a Text-Book Commission.

Second—It is made the duty of said Text Book Commission to "select and adopt a uniform series or system of text books for use in public schools of Alabama."

Third—The State Commission is authorized, empowered and directed to select and adopt a uniform system or series of text books for use in the public schools in this State.

Fourth—When said text books are so selected and adopted they "shall be used for a period of five years in all of the public schools of this state."

Fifth—It is further provided that it shall not be lawful for any schhool officer, director or teacher to use any other books upon the same branches other than those adopted by the State Text Book Commission.

Sixth—Said uniform series shall include the following branches of study to-wit: "Orthography, reading, writing, arithmetic, geography," etc.

It is clearly the legislative intent that the system of teaching these several branches shall be uniform in all the public schools of this State, and to that end, it is made mandatory that the text books selected and adopted by the text book commission, shall be used for a period of five years in the public schools, to be exclusion of all other books upon the same branches.

It is also clearly the legislative intent that the books adopted should be used in said public schools in order to secure said text books at a cheaper price than heretofore prevailed, and the mandatory requirement that these books when selected and adopted, shall

be used for a period of five years was supposed to be an inducement to the various publishers to bid for the books at a lower cost than they could be bought at retail. If it were held that a teacher could refuse to teach arithmetic, or for that matter, any other text book selected and adopted, and teach that particular branch of study by a process of his own, independently of any book, this construction would emasculate the law, and leave it to the discretion of each school board, or teacher, to determine whether or not he could teach arithmetic "out of his head," by a higher or better process than by the books selected and adopted by the text book commission, and thereby destroy the uniformity in teaching this branch. This intent is made still more specific and clear by section sixteen of the Act, which provides that any person or teacher violating the provisions of the Act, shall be guilty of a misdemeanor, and as a further guarantee that the text books adopted and selected by the commission, shall be used in the public schools of this State. Section seventeen of the Act makes it a misdemeanor for any teacher to use or permit to be used in his or her school, any text book upon the branches embrached in this act, other than those adopted.

The legislature has unlimited and exclusive power to select the text books to be used in the public schools, and to compel the use of the books selected. In the exercise of this power by the enactment before referred to, our Court declares, in the case of Dickinson v. Cunningham (in MS.): "Two things are very clear to our minds; one, that the legislature meant to provide an exclusive privilege in order to secure books at the best prices; The other, that the legislature meant to prevent the possibility of any break in the uniformity of the system framed by the statute."

The question arises therefore, as to whether or not the copy book, selected and adopted by the text book commission for the uniform system or series of writing to be taught in the public schools of this State, is a text book. Of this there is no doubt. Webster defines a text book to be any manual of instruction; an educational treatise; a school book. The Century Dictionary defines it to be a book used by students, as a standard work for a particular branch of study; a manual of instruction. It is also there defined to be a book containing a "Text or texts," and one of the definitions there given of the text, is "Formal handwriting." The legal definition of a book is much more comprehensive and greater than the popular idea of a book. A single sheet of music has been held to be a book within the purview of the law. (A. & E. Enc. of Law, 2 Ed., Vol. 4, pp. 703-704.)

The Supreme Court of Illinois in an able opinion (The People ex rel v. Board of Education, 175 Ill. 9), held that a copy book was a text book within the meaning of the law of that state, which is very similar to the law of Alabma, upon this subject. It is my opinion, therefore, that the copy book of Eaton & Co., selected and adopted by the Text Book Commission, must be used and taught, in all the public schools of this State, wherever writing is taught, and that it does not lie in the discretion of any school board or teacher to provide for a different method of teaching writing, or to decline the use of these copy books in teaching that branch. The contrary view would make possible a "break in the uniformity of the system," which our Supreme Court says the Legislature meant to prevent.

Very respectfully,

MASSEY WILSON,
Attorney-General.

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Sept. 24, 1904.

Hon. Isaac W. Hill,
Supt. of Education,
Capitol.

Dear Sir:—

I have your favor of the 22nd inst., requesting my opinion of the questions below quoted:

"First—Can any of the books that have been adopted by the State Text Book Commission for the use of the public schools of the State, be purchased from any person or dealer other than the publisher having the contract with the State to furnish such books, or his duly constituted and appointed depositories or regularly and duly constituted agents throughout the counties of Alabama and be used by a pupil or teacher in the public schools of Alabama?

"Second—If any of the books that have been adopted by the State Text Book Commission for use in the public schools of the State, having printed or stamped upon them statements of the price and that they are supplied under the contract with the State, are sold by a dealer other than a duly appointed agent, or through channels other than those provided by law and under contract, and as a matter of fact they are not furnished by the publisher or supplied to said dealer or person offering them for sale through the agencies adopted

is the dealer or said person so selling such book, guilty of a violation of the statute, in such sort as to make him subject to conviction for a misdemeanor under said statute?"

(1). The Supreme Court of Alabama has answered the first question in the negative. It is decided in the case of Dickinson v. Cunningham (in MS.) that if a book adopted by the State Text Book Commission was purchased from a person or dealer other than the contractor and was not supplied through a depository or agency, such book could not be taught in the public schools. It follows that it would be a misdemeanor to use a book so obtained in the public schools of this State.

(2). Under the Text Bock statute, and the contracts made with publishers pursuant to it, the successful bidders for the privilege of supplying books for the public schools have the exclusive right to supply such books for that purpose. (Dickinson v. Cunningham, supra; Clark v. Haworth, 7 L. R. A. 240.) While this exclusive privilege may result in benefit to the contractor it is supposed to be of corresponding benefit to the public by enabling the patrons of the public schools to get better and cheaper books. The contractors are under bond in a large penalty to execute the contracts on their part. Books furnished under these contracts are required to come up to the standard of quality and excellence of the samples furnished with the bids and preserved by the Secretary of State. To make it easier to fix liability on the contractors for a violation of the statute, or of their contracts and as a safe-guard against the introduction into the schools of books other than those adopted, it is required that such contractors shall cause to be printed upon every book furnished under their contract the contractor's price, the exchange price and the fact that the price is fixed by State contract, and a request that deviations therefrom shall be reported to the school authorities. If a dealer who is not a contractor, or a designated depository, or a duly constituted agency, as provided for in the statute, should procure books from some source other than regular channels provided in the law, and himself cause to be printed upon such books the matter required to be printed upon books sold under contract, and sell such books as if the same were sold pursuant to the text book law, I think such conduct would be a violation of the provisions of the act. Section 16 of the act declares that any person violating its provisions shall be guilty of a misdemeanor. I think, however, that books which have been sold or supplied by a contractor with the State, or through his depository or agency, and which come up

to the tests of the text book law, may be sold within the State by any person or dealer who may have become the owner of such books. Neither do I mean to say that the mere sale of the adopted books by any dealer would be a violation of the law, although such books unless supplied under the contracts with the State, could not be used in the public schools. It is the printing upon adopted books by persons who are not contractors, the matter required to be printed upon them by the contractors, and the selling of such books under and as in compliance with the statute by persons who are not contractors (privileges give exclusively to the contractors) which I think a violation of the law.

Very respectfully,
MASSEY WILSON,
Attorney-General.

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October 6, 1904.

Hon. R. M. Cunningham,
Lieutenant and Acting Governor,
Capitol.

Dear sir:—

I have your favor of the 4th inst., propounding the following questions:

"1. Does the invalidity of the Act "To amend sections 897, 898, 906, 908, 911, 912, 913, 914, 915, 916, 917, of Article 1, Chapter 19 of the Code of Alabama" deprive any county in the State of Alabama of a common law court or of a court of equity?

2. When a judge of a circuit court calls a special term of court in any county of his circuit, can the supernumerary judge hold the regular term of the court in another county of that circuit.

3. Can a special Judge be appointed to hold court in a county when the circuit judge is engaged in holding a special term of the court in another county of that circuit?

4. Is there any authority to provide a special solicitor to represent the State where the supernumerary judge or special judge, if lawful, is holding a regular term of the court and the solicitor of the circuit is engaged in representing the State in the special term called by the circuit judge?

5. Can the Legislature validate or in any way legalize acts performed by courts provided in the above invalidated act?

I proceed to answer the same seratim.

1. Strictly speaking the invalidity of the act mentioned in question one does not deprive any county in the state of a common law court or a court of equity. It is invalid as a whole, void, a nullity, and is as impotent for the purpose of taking away courts that existed at the date of its attempted enactment as it is to create new ones. I desire, however, in this connection to call your attention to the following considerations. Walker and Winston counties, under the Code of 1896, (Section 630 and 633) compose the second district of the north-western chancery division, and the court for said district is required to be held at Jasper at stated times. On December 5, 1900, the Legislature passed an act (Acts 1900-01, page 107) to establish the Walker County law and equity court. That court was given equity jurisdiction in Walker County concurrent with the chancery court. The last named act was repealed by an act approved March 6, 1903, (General Acts 1903, page 550), and the repealing act seems to have been passed in compliance with constitutional requirements. This repealing act eliminates the Walker County law and equity court. An act approved October 6, 1903, (General Acts 1903, page 400) deatches the counties of Walker and Winston from the north-western chancery division, and makes no provision for holding a chancery court, or court having equity jurisdiction in those counties. If this act is valid (and unless provision was made in some other act for holding chancery court in those counties) there seems to be no authority for holding such a court. I think, however, the act detaching Walker and Winston counties from the north-western chancery division is void. It is a local law. (Constitution, section 110; Wallace v. Jefferson County, in Ms.) Being a local law, it is within the influence of section 106 of the constitution requiring notice of the intention to apply for the passage of local laws to be published in the county or counties where the matter or thing to be affected may be situated. Technically, the chancery court for that district may be situated at Jasper, in Walker County, but it cannot be so limited within the meaning and purpose of section 106 of the constitution. The object of the provision was to inform the people residing in the counties affected by the legislation of the proposed law. The journals of the two houses fail to show that notice of the proposed law was given in Winston County. (House Journal, 1903, page 1140; Senate Journal, 1903, page 1880). For the reason stated, I do not think the act detaching Walker and Winston Counties from the north-western chancery division was constitutionally

passed. If, however, my view of this is erroneous, and said act should be held to be valid, then I do not think there is any provision for holding a court of equity in Walker or Winston Counties unless the act creating the fourteenth judicial circuit of Walker and Winston Counties, and investing it with equity jurisdiction, (General Acts 1903, page 88), is good. No notice of the intention to pass that act was published, so far as appears from the journals of the two houses. If the court follows the case of Wallace v. Jefferson County, in Ms., I suppose it will hold that the fourteenth circuit act is void, should the question be presented.

2. The Legislature has the power to provide for the holding of chancery and circuit courts when the chancellors or judges thereof fail to attend regular terms. (Constitution, section 161, constitution 1875, article VL, section 19.) The act creating the office of supernumerary judge provides that it shall be the duty of every judge and chancellor, when unable to hold a regular term of his court because of being engaged in holding a special term of court, to notify the Governor of the fact. (Acts 1898-99, page 237, section 3.) Section 2 of the act declares that the supernumerary judge shall have the power and authority under the direction of the Governor to hold any regular term of the circuit or chancery court in this State, and to exercise all the powers and privileges and to perform all the duties of circuit judges and chancellors while in office. One of the purposes of these several provisions is to enable the supernumerary judge to hold a regular term of the chancery or circuit court, while the judge of the circuit or the chancellor of the division may be prevented from holding such regular term by reason of being engaged in holding a special term in another county or district of the circuit or division.

3. The statute provides that whenever it shall be made known to the Governor that a regular term of the circuit court will not be held by reason of the failure of the judge to attend such term, the Governor may appoint a special judge to hold the regular term. (Code, section 928.) The validity of this statute has been twice sustained by the supreme court. Louisville & Nashville Railroad Company v. Malone, 116 Alabama, 600; Bell v. The State, 115 Alabama, 25.) I cannot see any reason why the statute should not apply if the failure of the judge to attend the regular term is because of his being engaged in holding a special term in another county of his circuit, to the same extent as it would if such failure to attend the regular term was caused by sickness, or for any other reason. I think

under the statute cited that if a circuit judge should not be able to hold a regular term of his court in any county, because he is engaged in holding a special term in another county of his circuit, the Governor has the authority to appoint a special judge to hold such regular term, and that such special judge may hold the same.

4. When the circuit solicitor is absent the presiding judge may appoint a competent attorney to act in the solicitor's place. (Code, section 5522; acts 1903, page 417; Edson v. The State, 134 Alabama, 50). The cause of the absence of the solicitor can exert no influence upon the power of the court to appoint a special solicitor. The power exists to the same extent when the court from which the solicitor is absent is presided over by the supernumerary judge or by a special judge as when it is presided over by the regular judge.

5. If the judgment of any court attempted to be created by what is known as the Lusk Act is void because of the invalidity of that act, such void judgment cannot be made good by a retroactive enactment of the Legislature.

Very respectfully,
Attorney General.

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TERM OF OFFICE OF JUDGES OF PROBATE.

October 30, 1904

Hon. R. M. Cunningham,
Lieutenant and Acting Governor,
Capitol.

Dear Sir:—

In response to your request, I beg to give you my opinion of the following questions of law:

(1). May the judges of probate now in office rightfully continue therein after the third day of November, next, the date upon which the terms of such officers will expire?

(2) When will the successors of such judges, who are to be elected November 8, next, be entitled to take charge of their offices?

(3) If the present judges may hold after November 3, will it be necessary for them to give new bonds?

I will proceed to answer the foregoing questions in the order above stated.

(1) The judges of probate now in office may rightfully hold during the interim between the expiration of their term on November 3, and the time when their successors will be entitled to enter upon the discharge of the duties of their offices. The reasons for this conclusion and the authorities upon which it is based are given at length in an opinion to you relating to the term of justices of the peace, on the 24th of August, last, and need not be repeated here.

(2) The term of the judge of probate is defined in the Code to be six years from the 3rd day of November next after their election, and until their successors are elected and qualified. (Code, 3054). The Judges of Probate now in office will have served six years on the 3rd day of November, next, and their successors will have been elected on the 8th day of November, next, and will have qualified within a short time thereafter. The two events will then have happened upon the happening of which the right of the incumbents to the offices was to terminate—they will have had their offices for six years, and successors will have been elected and qualified. But the new judges will not be elected until the 8th day of November, and the Code declares that their term shall begin on the 3d day of November next after their election. The 3rd day of November next after the 8th day of November, 1904, will be the 3rd day of November, 1905. The question, then, is, will the new judges not be entitled to their offices till the 3rd day of November, 1905?

In construing several different sections of the Code which relate to the same subject matter, it is necessary to read them all together, and to interpret them in the light of each other. (M. & O. R. Co. v. Malone, 46 Ala. 391; Crawford v. Tyson, 46 Ala. 299.)

It is evident that the section of the Code fixing the length of the term (3354), and the section fixing the beginning of the term (3054), and the section fixing the date of the election (1578), are all cognate or referable to one general subject. No one of the sections is wholly intelligible unless considered in the light of the others. Keeping them all in view, I think the meaning of the section fixing the beginning of the term is more clearly perceived.

When it was incorporated into the Code, the election was held on the first Monday in August. Its meaning is the same as if it had said judges of probate shall hold their offices for 6 years from the 3rd day of November next after their election on the first Monday in August. The section of the Code fixing the election in August is repealed by implication by the Act of 9 day of October, 1903, fixing the time of the election in November. When a part of a statute is

repealed, and it becomes necessary to construe the remaining part, the repealed portion of the statute may be looked to in ascertaining the meaning of what remains. (Atty. Gen. v. Lamplough, 3 Eng. Law Repts. Ex. D., 227; Savings Bank v. Collector, ) Wall. (U. S.) 495, 513; Ex parte Crow Dog, 109 U. S., 556, 561; Ogden v. Boreman, 20 Utah, 98, 101). Applying this principle to the question in hand, it leads to the conclusion that the term begins on the 3rd day of November next after the first Monday in August of the year of the election, and not on the 3rd day of November next after the election on the first Tuesday after the first Monday in November of the year of the election. It is of no consequence that the succeeding term will have begun before the election of a successor. The Legislature could, and did, fix the date of the election subsequent to the date of the beginning of the term. A hiatus in the offices because of this situation is prevented by the provision in the constitution and statute that the incumbents should hold, not only for six years, but also until successors are elected and qualified.

A different line of reasoning leads to the same result. The date of the beginning of the term of judges of probate was first fixed by the statute in the present Code. No such statute is found in the Codes of 1886 and 1867. It was simply declaratory of the status in respect of the matter as it existed under the Constitution. The Constitution of 1868 declared the term to be six years. (Article VI, Section 12). An ordinance adopted by Convention of 1868 declared that the term should begin on the date of the next general election under that Constitution. (Acts 1868, p. 180, Sec. 4.) The next general election thereunder was the 3rd day of November, 1868. The Constitution of 1875 declared the length of the term to be six years, the same as the constitution of 1868, but did not change the date of its beginnings. It changed the election from November to August, but provided in the schedule that the terms of the incumbents should not thereby be shortened. The Constitution of 1901 fixes the length of the term at 6 years, the same as the two preceding Constitutions, but is silent as to the date of its beginning. So, doubtless, if there had never been a statute enacted upon the subject the term would begin November 3rd, next. I doubt very much if the legislature could extend for the space of a year the term of an office fixed in the Constitution, and the beginning (and of necessity the ending) of which had been defined in a preceding Constitution. (23 A. & E. Enc. of Law, 2 Ed., p. 406, and cases cited.)

(3). It is held in the case of Brewer v. King, 63 Ala. 511, 515, and Hughes v. Montgomery, 65 Ala. 201, 207, that the sureties on the bond of a public officer are bound only for the fixed term, and for such reasonable time thereafter, varying with the circumstances of the case, as may be necessary for a successor to qualify. Upon the authority of these cases, I advised in my opinion that justices of the peace should give new bonds. They hold over for a period of more than 2 1-2 months. I do not think it could have been in contemplation at the time the sureties executed the bond of a justice of the peace that the officer should hold over for such a length of time. But the case is different with the judges of probate. They will hold over for only a few days. I think that would be held to be such reasonable time as may be necessary for a successor to qualify, and that the present sureties are bound for this short interim. It is unnecessary for the incumbents to give new bonds.

Very respectfully,

MASSEY WILSON,

Attorney-General.

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COUNTY SUPERINTENDENTS OF EDUCATION.

Montgomery, Ala., Nov. 18, 1904.

Hon. Isaac W. Hill,
Supt. of Education,
Capitol.

Dear Sir:—

I think the terms of those of the County Superintendents who are elected and governed by the general law (Section 3551, of the Code), expired on the first day of October of this year; and that successors who were elected at the November election of the present year are entitled to their offices as soon as they qualify.

If the incumbents do not surrender the offices, I think it will be necessary for their successors to take such legal steps as may be required to obtain possession of the offices, and of the books and papers pertaining thereto. Without possession of these it will be impossible for the newly elected officers to discharge the duties of the offices, and in the meantime, (in order that the public business may not suffer) I think you may properly continue to transact the necessary

business of the offices through the incumbents. They are at least *de facto* officers, and their acts as such will doubtless be valid so far as the public is concerned.

Very respectfully,
MASSEY WILSON,
Attorney General.

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EXEMPTION OF DISTRICT TRUSTEES FROM THE PAYMENT OF POLL TAX.

Montgomery, Ala., March 13, 1906.

Hon. Isaac W. Hill,
Supt. of Education,
Capitol.

Dear Sir:—

On January 23rd, 1904, I gave you an opinion to the effect that township trustees were exempt from the payment of poll tax, and were entitled to vote, if otherwise qualified without the payment of such tax. (Constitution, Secs. 178 and 194; Code, Section 3575.) Prior to the enactment of the redistricting statute, the law provided for the appointment of three township trustees for each township or other school district in each county. (Code, 3560.) The redistricting statute provides for three district trustees for each district created by that statute in each county, whose duties are practically the same as duties of township or district trustees formerly were. General Acts, 1903, p. 289, Sections 6 and 9. I think district trustees created under the general statute above referred to, are exempt from the payment of poll tax. They were exempt under the Code provisions above cited, but called township trustees; and I do not think the mere change of the name, their duties being but slightly changed, could operate to defeat the exemption. The question, however, is not free from all doubt and it would be well for the Legislature to make it clear.

What is said above relates only to district trustees created under the general law, and not to those created by local or special laws. Whether or not the latter class is exempt depends upon the provisions of the several local laws creating them.

Very respectfully,
MASSEY WILSON,
Attorney General.

Montgomery, Ala., June 30, 1906.

Hon. B. B. Comer,
President Rail Road Commission,
Capitol.

Dear Sir:—

I beg to acknowledge your communication of the 20th instant, asking my opinion of the validity of the act entitled "an act to amend Chapter ninety-six (96) of the Code of Alabama of 1896" approved February 28, 1903, which act confers upon the Rail Road Commission the power to fix rates.

The ground upon which the validity of the act is questioned, is the alleged failure of the House Journal to affirmatively show that the bill was acted upon in session by the standing committee to which it had been referred, and returned by the Committee to the House. The House Journal must affirmatively show, among other things, that the standing committee to which the bill was committed acted upon it in session and returned it to the House. (Constitution, Sec. 62). These essentials are shown only by the following entry upon the House Journal: "Upon an examination and investigation made this November 7, 1903, of the original report of standing committees, house register, documents and records of the House, from which this Journal is compiled and transcribed, it appearing that House bill No. 217, a bill to be entitled an act to amend chapter ninety-six (96) of the Code of Alabama of 1896, was returned to the House by the Committee on Commerce and Common Carriers with the following report: 'The bill was acted upon by the Committee on Commerce and Common Carriers in session, and ordered reported adversely. Geo. H. Parker, Chairman.' Said return to the House of said bill and the action of the committee thereon in session is now entered and made a part of this Journal." The matter above quoted was recorded on the Journal by the Clerk of the House after the final adjournment of the Legislature, but before the Journal left the possession, custody and control of the clerk, and before it had been signed by the speaker and attested by the clerk and deposited with the Secretary of State. The question to be determined is whether or not this entry is to be treated as a part of the Journal. If it is a part of the Journal, the act is not subject to he infirmity charged against it; if it is not a part of the Journal, the bill was never constitutionally enacted.

Mr. Cushing, in speaking of the duties of the clerk of the House of Commons, says: "At the end of the session, it is the business of the

clerk to see that the Journal of the session is properly prepared, and fairly transcribed from the minute books, the printed votes, and the original papers, that have been laid before the house." (9th Ed. Sec. 327). Again, speaking of Legislative bodies in general, the same author says: "Where the practice prevails of taking minutes of the votes and proceedings in the first instance, and of making up the Journal therefrom afterwards, the former must be considered as bearing the same aanalogy to the latter, that the docket of the clerk of a judicial court bears to the complete record. The votes and proceedings are usually printed from day to day, for the use and convenience of the members; but, when the Jourfnal comes to be made up, if there is any discrepancy between the two, the journals are held to be correct." (Section 429).

The practice in this State is for the clerk and his assistant to attend at the desk and to keep an account of the transactions of the House on separate sheets of paper, using for this purpose minutes made by himself, original reports, original messages, printed roll calls, printed documents and rubber stamp forms. These sheets of paper are fastened together at the end of each day's session, and constitute the Journal of that day. The matter thus compiled is afterwards recorded in bound volumes. The bound volumes constitute the official Journal. The recording of the Journal in these records is never completed at the time the House finally adjourns. It is physically impossible for it to be completed at the time of the adjournment. The clerk not only has the right, but it is his duty, to correctly record the Journal in these records. In the case of Montgomery, etc. v. Gaston, 126 Ala. 425, by reference to the original transcript, it will be seen that the clerk's compilation of the Journal on sheets of paper as before described, which was approved by the Journal committee, was not recorded till after the final adjournment of the Legislature. This compilation was correct. The error was in the recording on the final record, which was done by the clerk after the final adjournment. The court held that the recorded Journal—recorded after final adjournment—controlled. The court held further than the Journal had been signed by the Speaker and attested by the Clerk and deposited with the Secretary of State, the Clerk had no further control over it. The effect of the decision is that after adjournment and before the Journal is signed and deposited with the Secretary of State, the Clerk may correctly record his manuscript in the final record which constitutes the official Journal. If he may so record it, he may certainly correct any errors in parts

of it theretofore recorded. Neither the House nor the Journal Committee ever sees the recorded Journal, which the court treats as the official Journal. They pass only on the Clerk's manuscript. The Clerk alone attends to the recording of the Journal, and with us, as the above extract from Cushing shows is the case in the House of Commons in England, if there is conflict between the Clerk's manuscript, and the Journal as finally transcribed by him in the record, the latter governs. The following extract from the opinion in the case above cited, shows the court was careful in that case not to hold that the Clerk could not correct the record after adjournment, but before the records had passed out of his possession: "It cannot be doubted, we think, and indeed it is quite obvious, that the Clerk's official connection with the original Journal—except the duty of copying it for the printer—ceases upon his delivering it to the Secretary of State for safe keeping after it has been signed by the Speaker and himself. From and after that time, he has no custody of it, no control over it, no right to its possession except for the specific purpose above referred to, no power to alter it nor to prevent others from altering it, and is under no duty to keep it safely or to prevent it from mutilation or interpolation."

The fact that the statute permits the Clerk to keep the record for 40 days after adjournment before depositing it with the Secretary of State, shows that the Legislature recognized the impossibility of his completing it before adjournment, and the necessity for his completing and correcting it after adjournment.

I am of opinion that the entry referred to above is a part of the House Journal, and that the Act was constitutionally passed, so far as the point above discussed is concerned.

The writer has personal knowledge of the practice with reference to the making up of the Journal of the House for the past 16 years, and knows that the proceedings of the last few days of every session for that length of time have been entered in the official record by the Clerk of the House—transcribed from his manuscript, which the court has held is not the Journal—after final adjournment. If he had no authority to do this, hundreds of important statutes, which have been acted upon and supposed to be the law, were never constitutionally enacted.

Very respectfully,
MASSEY WILSON,
Attorney General.

DISCRIMINATIONS AND REBATES BY INSURANCE COMPANIES

Montgomery, Ala., July 3, 1906.

Hon. E. R. McDavid,
Insurance Commissioner,
Capitol.

Dear Sir:—

Pursuant to your request, I have examined the following statute:

"No life, nor any other insurance company, nor any agent thereof, shall make any contract of insurance, nor agreement as to policy-contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow as inducement to insurance, any rebate of premiums payable on the policy nor shall any particular policy-holder of the same class be allowed any advantage in the dividends or other benefits to accrue thereon or any valuable consideration or inducement whatever, not specified in the policy-contract of insurance." (Code, Sec. 2602.)

You wish me to advise you whether or not the contracts commonly called "Advisory Board Contracts," which are used by some of the insurance companies doing business in this State, are in violation of the foregoing statute.

If the contract is purely and simply a contract to secure the services of the other party to it, and is not a part of any policy of insurance, and it is not used as an inducement to the other party to the contract to take a policy of insurance, the contract is not in violation of the statute above quoted. At least one of the sample copies of the contracts you submitted to me is in form unobjectionable, for the reasons just stated. If, however, the real purpose of the arrangement is to induce or permit the holder of the contract to take insurance, and the benefits he receives under the contract are in fact applied toward the payment of his individual insurance, the statute would be violated nowithstanding the contract is in form within the statute. The purpose of the statute is to guarantee insurants of the same class and equal expectations of life equality in the cost of insurance. If in practice the transaction amounts to a benefit, rebate or discrimination in favor of an individual policy holder of a class, not enjoyed by all others of the same class, and is not carried out as a *bona fide* contract of employment, then it is violation of the law. If you have facts tending to show that any company which has an Advisory Board in this State under such a contract as, in form, is not

offensive to the law, is in practice carrying into execution the arrangement in such manner as to make it a violation of the law, I suggest that you communicate such information to the solicitor of the circuit where the offense occurred and request that he have the grand jury investigate the matter. If the facts warrant it, it will be the duty of the grand jury to indict for a misdemeanor.

Some of the "Advisory Board Contracts" show on their face that they are used to induce the holders of them to take insurance, are in fact to be considered as a part of the policy of insurance, and the benefits accruing to be used toward the payment of the individual premiums due by the holders of them. Clearly this is a benefit, or valuable consideration, or inducement, given to the policy-holder who has this contract. It is a violation of the law, unless it is attached to, and made a part of, every policy of insurance issued in this State, and given alike to every policy-holder. If it is attached to every policy issued in this State, and offered to every policy-holder, I do not think such practice is a violation of the statute. In such case there would be equality among policy-holders in cost and benefits, which it is the aim of the statute to secure.

Very respectfully,
MASSEY WILSON,
Attorney General.

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Montgomery, Ala., Sept. 5, 1906.

Hon. R. R. Poole,
Commissioner of Agriculture,
Capitol.

Dear Sir:—

Complying with your verbal request I give you below my opinion of the authority of the Commissioner of Agriculture to pay the expenses of making illustrative exhibits of the resources of the State at State expositions.

It is the duty of the Comissioner to make such exhibits whenever practicable. Code, Section 376, Sub. 13. The statute contains no express provision for the payment of the expenses of such an exhibit. It provides that the Commissioner must submit to the Governor monthly an account of the expenses of the Department for the preceding month and an estimate of the expenses for the succeeding

month, and that he may, with the approval of the Governor, retain from the monies in hand or draw from the funds in the Treasury to the credit of the Department, the amount of such estimate, not to exceed $500.00. Code, Section 397.

It is clear that the Commissioner may pay expenses for making exhibits as above referred to out of the monthly estimate of expenses of $500.00, but you wish to know whether or not he may pay such expenses in excess of $500.00 a month with the approval of the Governor. In an opinion by Attorney General Thomas N. McClellan to Governor Seay, dated January 13, 1888, construing the statute just referred to, he used the following language:

"The $500.00 estimate provided for by Section 149 of the Code of 1886 is *not* to meet the entire expenses of the Department of Agriculture per month but is intended only as a limitation upon the amount the Commissioner may *retain* in anticipation of expenses to be incurred during the month following. The Commissioner, I think, may incur expenses that are necessary to and in the performance of his various duties prescribed by law in excess of $500 per month and his accounts for such expenses approved by the Governor are payable out of the funds of the Department in the Treasury." Giving the statute the construction placed upon it in this opinion by Attorney General McClellan, it is clear that the Commissioner of Agriculture may pay the expenses of making such an exhibit as is mentioned above, notwithstanding such expenses may exceed the monthly estimate of $500.00. The purchasing of products, and the transportation of the same to the place of exhibit, are necessary incidents of the making of the exhibit, and may be paid for in the same way as other expenses of the exhibit. This identical question was passed upon by Attorney General Fitts, and Attorney General Brown, and their opinions were in harmony with the views above expressed.

Very respectfully,
MASSEY WILSON,
Attorney General.

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